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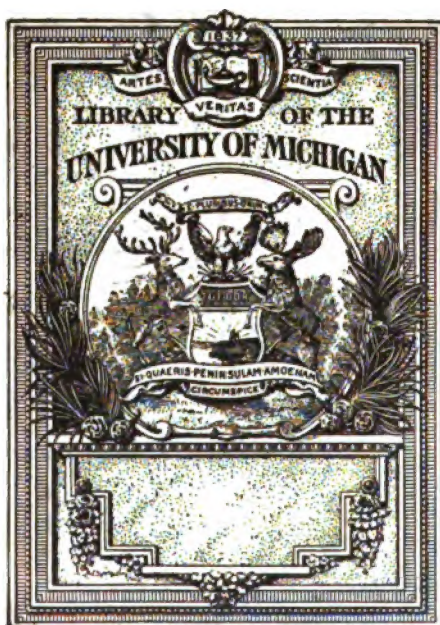
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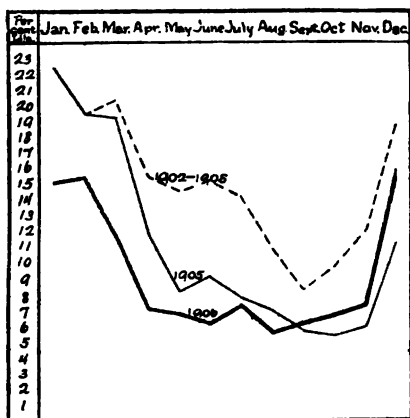
ALBANY, March, 1907

Whole No. 32

EDITORIAL SUMMARY.

Toward the end of 1906 the unprecedented demand for labor fell off slightly in certain branches of industry, and in the last three months of the year the state of employment was not quite so favorable as in the corresponding period of 1905, although

The State of Employment.



it surpassed any other year of the decade. Among 93,000 wage workers in about 85 different trades and occupations, 14,352 were idle at the end of December as compared with 10,223 a year earlier. Most of these were mechanics of the building trades, lake seamen, etc., but in several manufacturing industries the ratio of unemployed workmen had also increased.

As shown on the accompany-

ing chart, the ratio of unemployment was smaller in 1906 than in previous years through the first eight months of the year, but in September, October, November, and December it exceeded the ratio of 1905. At the end of December, 1906, out of 1,000 workmen reporting, 154 were idle as compared with 111 at the end of 1905, 196 at the end of 1904, and 190 for the four years 1902-5. The most conspicuous decrease in employment is in the building industry of New York City, where the number of buildings begun in the last three months of 1906 was 5,260 as compared with 6,556 a year earlier, and the estimated cost of buildings officially authorized declined from \$56,669,905 to \$38,347,207. In most of the other large cities the projected building operations continue very extensive.

Immigration.

Despite the lessened activity of trade, the influx of aliens continues at an unprecedented rate, the number of alien arrivals at the Port of New York in the last three months of 1906 (217,768) having been fifty thousand greater than in the corresponding period of 1905. In the calendar year the number of immigrants admitted at this single port was 963,609—enough people to form five cities as large as Rochester. About forty percent of the immigrants remain in this state, adding to its population every month the equivalent, in point of mere numbers, of a city the size of Niagara Falls, Newburgh, Watertown, Jamestown, or Mount Vernon. It is usual to count this additional population as a large economic gain, owing to the fact that the majority of the newcomers are wealth producers; but this overlooks the deduction that should be made for the large expenditure imposed upon the community to educate hordes of people who come here ignorant of our manners, customs and institutions, and unfitted to assume the responsibilities of American citizenship without training, which is expensive even if it is not carried out through the tangible instrument of the school house.

**Labor
Disputes.**

With the growth of prosperity has come an increased number of strikes on the part of workmen to secure a larger share of prosperity. In the last three months of 1906 the Bureau of Mediation and Arbitration recorded forty-three new trade disputes as against twenty-six in the corresponding period of 1905 and eleven in 1904. Fourteen of the disputes were due to demands for higher wages, and six were for shorter hours of work, while twelve related to methods of bargaining or some other feature of trade unionism. From the point of view of numbers involved the last-mentioned variety of disputes was the most important, including as it did the leading conflicts of the quarter—the strike of 2,600 electrical apparatus makers of Schenectady, in December, over the question of membership of three employees in rival unions and the lockout of 2,100 chandelier makers in New York City, November 20 to December 11, to establish the principle of the non-union shop. Since the last previous report the Bureau of Mediation and Arbi-

tration has adjusted several disputes in New York City, including two among the silver workers and one of the umbrella handle makers. It also terminated within three days a strike of switchmen, which threatened to tie up the railroad yards of Buffalo, and assisted in preventing a similar suspension of operations in the railroad yards about New York harbor on account of a disagreement regarding a proposed advance in wages, which was finally submitted to arbitration.

* * *

**New Trade
Agreements.**

The number of wage earners directly concerned in strikes or lockouts begun in the last quarter of 1906 (9,100) is very small compared with the number that obtained improved conditions of employment without any stoppage of work. Every important railway company in the state, for example, has adopted a new wage schedule providing for the higher wages or shorter hours, or both, asked for by employees in the train service, and in but the single instance of the Buffalo yards was there any interruption of work. In other industries in which collective bargaining is rendered possible by thorough organization on both sides, disagreements between the employers and the employed have been harmonized by recourse to arbitration or continued negotiations between their representatives. The associations of employing and journeymen carpenters in New York City have thus agreed upon a desired advance in the rate of wages in Manhattan Borough (from \$4.80 to \$5.00 a day), but by compromise deferred its adoption to July 1st. Similarly the national union of printing pressmen have just made an agreement with the employing job printers of the United Typothetæ for the establishment of the eight-hour day two years hence, which is reprinted in the BULLETIN. The compositors, however, maintain that this agreement was rendered possible through their own strike for the eight-hour day last year. The International Typographical Union has successively reduced the strike assessment upon its members from ten to two per cent of their wages, and at the end of the year there were only 360 men on the union strike roll in New York City as compared with 765 at the end of January. The union has just renewed its arbitration agreement with the American Newspaper Publishers' Association. Other branches of the printing trade are striving to obtain an eight-hour day, the

lithographers having gone on strike and the bookbinders having voted to demand it.

* * *

**Trade Unions
in New York.**

There are only four counties in New York State which have no labor organizations at present—Hamilton, Lewis, Schoharie and Schulyer. About two-thirds of all trade unionists are in the four counties which constitute the city of New York (260,008 members of 678 organizations), and the remaining 53 counties are represented as follows: Erie, 189 organizations, with 30,445 members; Monroe, 90 organizations, and 15,578 members; Onondaga, 86 unions, and 8,895 members; Albany, 102 unions, and 8,854 members; Westchester, 124 unions, and 8,784 members; Schenectady, 61 unions, and 7,994 members; Orange, 80 unions, and 5,763 members; Rensselaer, 60 unions, and 5,763 members; Oneida, 65 unions, and 4,663 members. Six counties have between two and three thousand members each, namely, Niagara (2,974), Chemung (2,588), Steuben (2,458), Washington (2,412), Saratoga (2,383) and Broome (2,317), and 12 more counties have upwards of 1,000 members each, as follows: Cattaraugus (1,998), Ulster, (1,785), St. Lawrence (1,698), Dutchess (1,607), Cayuga (1,511), Jefferson (1,468), Chautauqua (1,426), Ontario (1,327), Warren (1,212), Oswego (1,198), Rockland (1,119) and Montgomery (1,053). Of the remaining counties, 9 have at least 500 union members, 10 between 100 and 500 members and 7 less than 100 members. Of the 398,494 union men and women in the state, more than 90 percent are in cities, the number having increased in the past decade from 170,215 to 372,093. Table VIII of the BULLETIN shows the growth in each of the present 45 municipalities.

* * *

**Trade Unions
and the Law.**

The BULLETIN contains the text of several recent judicial decisions concerning the rights of members of trade unions. The courts of this state have repeatedly ruled that a union may be sued whether it is incorporated or not, and when the union rules do not provide for a review, by the higher officials of the organization, of disciplinary votes of suspension or expulsion, the courts themselves will protect the rights of any member disciplined contrary to the rules of the

union. The Appellate Division last month gave a careful interpretation of the law of extortion as applied to union officials, in a decision unanimously sustaining the conviction of a labor leader who extorted \$2,700 from a contractor by a threat of calling the members of his union out on strike. The court says: "All controversies between capital and labor resulting in a strike injuriously affect more or less the entire community. They are sufficiently disastrous and deplorable when they result from an honest difference of opinion between the employer and the employed; but when, as here, the strike is protracted long after all grievances have been adjusted, by an officer of a labor union who betrays his trust to the fellow members of his union, and in effect deprives them of their rights to work until he has unlawfully extorted money from their employer for his own ends, the crime is intolerable from any point of view, and should be speedily and severely punished."

* * *

**New Labor
Laws Abroad.**

In England where the beneficiary funds of trade unions were protected from seizure by legal process until the celebrated Taff Vale decision of the House of Lords, three years ago, reversed the construction given to the Trade Union Acts of 1871 and 1876, Parliament has just enacted a new trade disputes' law (reprinted in the BULLETIN), which not only provides that no court shall entertain an action against a trade union or any of its officers or members in respect of any *tortious* act alleged to have been committed on behalf of the union, but also changes the law of conspiracy so as to make it lawful for two or more persons to agree to do what any individual may lawfully do (boycott) and expressly legalizes peaceful picketing. Parliament has also revised and codified the workmen's compensation acts of 1897 and 1900, which virtually require the insurance of workmen against accidents by providing that the employer shall indemnify every employee injured irrespective of any question of fault or negligence. The new act brings within its application seamen and many other classes of workmen not before included, and contains the novel feature of assimilating to industrial accidents cases of industrial poisoning from lead, mercury, arsenic, phosphorous, etc. No American state has yet enacted a work-

men's compensation law, although every country in Europe has long since recognized the failure of employer's liability laws to remedy the evils arising out of industrial accidents.

* * *

Accidents.

The record of accidents kept in the Department of Labor embraces only such as occur in factories, mines and quarries subject to the visitation of the factory inspectors. This record is constantly improving, and the department now receives more accident reports in one month than it received in an entire year down to 1900. In the last three months of 1906 the total number of accident reports received was 4,616, which was equivalent to sixty accidents on every working day in the quarter. Many of the accidents are of minor consequence, as the record includes every injury resulting in the loss of a half day's work; but at least 651 accidents entailed permanent disability of greater or less degree, and 488 more will probably have similar results, while 86 were fatal accidents. A very considerable proportion of the fatal accidents occur in connection with the transmission of power or conveying apparatus, such as elevators (16 deaths), factory locomotives or cars (8 deaths), belts, pulleys, etc., or else in connection with electricity (7 deaths). Of the lesser injuries, one of the most prolific causes is the stamping machine or punch press; of 214 workers thus injured, fully one-half lost one or more fingers.

The Bureau of Factory Inspection has been presented with models of some very useful safety guards for circular saws, and joiner, buzz-planer and shaper machines, which are on exhibition at its office. Contributions to this collection of models of safety devices are invited.

* * *

Factory Inspection.

The force of the bureau of factory inspection inspected 11,606 factories, bakeshops, tenement buildings, etc., in the last quarter of 1906, which represents an increase of 2,500 inspections over the corresponding period of the previous year. Particular attention, moreover, was given to the enforcement of compliances with orders issued to factory owners; the inspectors having followed up and investigated

8,260 such orders, as compared with 1,080 a year previous. Advantage was taken of the new law authorizing the labeling of goods and stoppage of work in unclean factories, 106 times; while similar proceedings were carried out in four bakeries where the inspector's notices had been persistently ignored. In the same quarter the bureau began 99 prosecutions of manufacturers for deliberate violation of the law. Licenses to do manufacturing in tenement houses were issued to 504 owners, all but three of which buildings were in New York City. At the end of December there were 6,204 licenses outstanding, each representing one building. The number of employment certificates issued to children by the local boards of health steadily increases in all the first and second class cities. The Department finds it necessary again to issue warning that a gang of swindlers are blackmailing ignorant proprietors of small factories in New York city by selling them tickets to an alleged factory inspectors' ball. It seems unnecessary to announce that factory inspectors never give entertainments and are not allowed to solicit or receive money for any purpose whatever.

* * *

The Question of Overtime. The amendments to the Labor Law recommended by the Commissioner of Labor include the reduction of the maximum working hours of women employed in factories from 60 to 58 a week, thus strengthening the tendency strongly manifested in the last few years, especially in New York City factories, to adopt the 9 or 9½-hour day as the normal workday. The Prentice bill, embodying this change, also encourages the adoption of the Saturday half-holiday, which is now almost universal in city building trades, by permitting the necessary amount of overtime to be made on the other five days of the week. Investigations made by factory inspectors indicate that at the present time, owing to the scarcity of labor and the consequent independence of wage workers, overtime work is quite voluntary in many if not most industries. The bill recognizes the necessities of manufacturers of confectionery and other commodities made of perishable materials by permitting the employment of women twelve hours a day or 66 hours a week for not to exceed six weeks each year.

THE STATE OF EMPLOYMENT.

In order to ascertain the condition of employment in the principal industrial centers of the state the Bureau of Labor Statistics obtains monthly reports from local correspondents who are familiar with conditions in their own trade and locality. Between 190 and 200 trade union secretaries furnish such monthly reports, based on the facts as to idleness among nearly 100,000 wage earners in manufacturing, mechanical and transport trades, hotels, stores, etc. These monthly returns are tabulated in Tables V-VII of the appendix, and the results brought into comparison with those of earlier years in the following table:

NUMBER AND PROPORTION OF UNEMPLOYED WAGE EARNERS.

MONTH.	Number of mem- bers re- unions. porting.		Number Idle at end of month.	Per cent Idle.	PERCENTAGE IDLE.				
					1905.	1904.	1903.	1902.	1902-5.
January.....	191	84,539	12,682	15.0	22.5	25.8	20.5	20.9	22.4
February.....	190	85,155	13,031	15.3	19.4	21.6	17.8	18.7	19.4
March.....	192	85,956	9,952	11.6	19.2	27.1	17.6	17.3	20.3
April.....	192	90,352	6,583	7.3	11.8	17.0	17.3	15.3	15.4
May.....	192	91,163	6,364	7.0	8.3	15.9	20.2	14.0	14.6
June.....	192	92,100	5,801	6.3	9.1	13.7	23.1	14.5	15.1
July.....	195	94,571	7,229	7.6	8.0	14.8	17.8	15.6	14.1
August.....	195	94,220	5,462	5.8	7.2	13.7	15.4	7.1	10.9
September.....	195	94,280	5,959	6.3	5.9	12.0	9.4	6.3	8.4
October.....	195	92,062	6,383	6.9	5.6	10.8	11.7	11.2	9.8
November.....	195	93,049	7,052	7.6	6.1	11.1	16.4	14.3	12.0
December.....	196	93,318	14,352	15.4	11.1	19.6	23.1	22.2	19.0
Mean for year....	.....	.....	.....	9.3	11.2	16.9	17.5	14.8	15.1

These results are in agreement with the statistics published in the December BULLETIN for all organized workingmen in the state. During the greater part of the year 1906 activity in trade was unprecedented, but toward the close it began to slacken, and during the last quarter there was more idleness than in the corresponding period of 1905. The average monthly percentage of wage earners idle in the last quarter of 1906 was 10, as compared with 7.6 in 1905, which, as previously noted, was exceptional—the mean percentage for the four years 1902-5 having been 13.6.

The causes of the increased idleness toward the end of 1906 were industrial. The factor of labor disputes was not especially prominent in November or December, and the item of personal disability (idleness, accident, old age) showed relatively little

change as between 1906 and 1905. Almost the entire amount of idleness is ascribable to other causes, thus:

PRINCIPAL CAUSES OF IDLENESS AT THE END OF EACH MONTH, JULY—DECEMBER.

MONTH.	LABOR DISPUTES.		DISABILITY.		ALL OTHER CAUSES.	
	1906.	1905.	1906.	1905.	1906.	1905.
July.....	1,828	561	953	1,005	4,448	5,851
August.....	727	675	939	1,044	3,796	5,070
September.....	740	487	1,198	993	4,021	4,156
October.....	1,132	609	1,085	1,183	4,166	3,287
November.....	978	756	1,162	1,114	4,912	3,706
December.....	659	708	1,312	1,064	12,381	8,451

The only important causes of idleness other than personal disability or labor disputes are lack of work and unfavorable weather. The last-mentioned cause explains the idleness of only one-third of the 12,381 idle for miscellaneous reasons, most of them being seamen employed in summer on the Great Lakes. The building trades contribute most of the remaining idleness (Table VI), and it is especially in New York City that this industry now complains of scarcity of capital, deferred plans for building and consequent idleness for the building mechanics. Thus at the end of December, 1906, there were 4,439 men idle in 30 metropolitan building trades unions as against 1,300 at the end of December, 1905; and only 36 were idle on account of labor disputes (Table VII). The tables (XII–XIII) showing the proposed building operations in the leading cities are instructive. The estimated cost of projected buildings declined from \$56,670,000 in the last three months of 1905 to \$38,347,000 in the last three months of 1906, most of the decrease being in the Borough of Manhattan, although only Queens and Richmond Boroughs recorded an actual increase. While the number of buildings completed in the last quarter of 1906 (7,264) exceeded the number completed a year earlier (5,615), the number commenced (5,260) was much smaller (6,556). In Buffalo, too, the cost of projected construction work declined from the high records of 1904 and 1905; but Syracuse, on the other hand, attains new records, and Rochester almost equals the phenomenal figures of last year.

Comparative figures of idleness for each of the thirteen classes of industries or groups of trades are given in the following table:

PERCENTAGE OF UNEMPLOYED MEMBERS OF TRADE UNIONS AT THE END OF—

GROUPS OF TRADES.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Mean for six mos.
1. Building, stone working, etc.:							
1902.....	12.9	7.6	5.1	14.2	13.4	25.6	13.1
1903.....	29.7	20.8	12.3	9.5	18.8	27.4	19.8
1904.....	12.9	19.8	15.2	12.6	17.1	32.9	18.4
1905.....	5.6	4.5	2.5	5.2	7.5	8.4	5.6
1906.....	10.8	6.9	6.4	7.3	10.2	19.2	10.1
2. Transportation:							
1902.....	8.0	6.9	7.9	6.7	4.7	22.4	9.4
1903.....	5.8	4.6	4.3	11.0	13.5	39.9	13.2
1904.....	8.6	8.8	9.2	6.5	6.2	28.8	11.4
1905.....	7.7	6.8	4.2	3.2	3.7	29.2	9.1
1906.....	4.3	3.3	4.6	4.3	4.5	29.1	8.4
3. Clothing and textiles:							
1902.....	34.3	3.9	6.6	18.1	36.9	39.5	23.2
1903.....	21.8	27.5	11.6	22.9	32.7	35.9	25.4
1904.....	37.1	19.1	18.9	16.3	14.1	14.4	20.0
1905.....	11.1	9.6	11.9	10.8	8.5	7.3	9.9
1906.....	5.2	3.5	8.0	9.4	8.4	11.5	7.7
4. Metals, machinery, etc..							
1902*.....	4.0	2.9	3.8	3.1	4.7	9.1	4.9
1903.....	8.4	13.8	7.8	10.5	12.0	14.1	11.1
1904.....	13.2	10.0	8.0	9.5	8.8	8.8	9.7
1905.....	5.0	4.7	4.5	3.4	4.1	3.8	4.3
1906.....	3.5	4.0	2.8	8.8	7.5	6.2	5.5
5. Printing, binding, etc.:							
1902.....	13.6	12.8	12.3	10.9	11.0	12.6	12.2
1903.....	13.3	13.2	12.0	12.2	11.8	13.6	12.7
1904.....	10.8	9.9	8.5	9.8	9.8	9.4	9.7
1905.....	9.3	9.2	11.3	10.8	13.0	12.1	11.0
1906.....	15.8	15.7	15.5	15.8	14.4	13.2	15.1
6. Woodworking and furniture:							
1902.....	18.6	14.5	7.7	9.7	15.1	21.2	14.5
1903.....	29.1	23.1	20.5	19.4	21.5	26.3	23.3
1904.....	36.8	27.6	25.2	19.3	18.5	26.2	25.6
1905.....	12.1	12.5	12.6	3.9	4.0	3.3	8.1
1906.....	13.5	10.9	9.0	7.5	6.9	12.9	10.1
7. Food and liquors:							
1902.....	11.2	9.9	8.1	10.9	5.7	12.6	9.7
1903.....	7.2	6.8	6.8	8.6	7.4	5.1	7.0
1904.....	5.9	7.4	8.2	16.9	10.6	10.9	10.0
1905.....	5.2	6.0	7.3	6.9	6.6	6.3	6.4
1906.....	5.6	5.5	7.2	6.1	5.5	5.9	6.0
8. Theaters and music:							
1902.....	29.0	20.0	0.3	8.9	8.9	8.9	12.7
1903.....	19.5	16.6	1.7	12.9	16.7	10.0	12.9
1904.....	17.4	15.6	13.6	13.3	12.7	12.4	14.2
1905.....	24.7	21.1	11.6	4.9	4.9	4.9	12.0
1906.....	24.8	10.7	4.2	7.3	6.8	6.8	10.1
9. Tobacco:							
1902.....	4.5	6.7	3.9	3.1	1.9	9.1	4.9
1903.....	6.8	5.9	3.2	3.4	4.0	18.7	7.0
1904.....	10.2	4.1	4.7	3.4	2.8	9.8	5.8
1905.....	8.3	7.8	2.9	2.2	2.3	10.9	5.7
1906.....	5.1	3.1	7.2	2.7	2.4	6.2	4.5
10. Restaurants, retail trade:							
1902.....	2.0	10.5	7.3	7.9	3.8	11.1	7.1
1903.....	4.4	2.8	6.4	9.3	9.4	11.4	7.3
1904.....	16.1	4.3	9.1	4.6	5.8	5.4	7.6
1905.....	4.9	5.6	6.7	13.0	7.3	11.3	8.1
1906.....	2.6	1.7	7.1	4.9	4.4	3.9	4.1

11. Public employment:

1902.....	6.0	6.0	6.1	4.7	1.5	2.5	4.5
1903.....	9.4	8.6	10.8	11.7	14.0	11.7	11.0
1904.....	8.1	9.0	9.3	6.0	6.1	5.0	7.3
1905.....	4.8	4.7	4.7	2.4	2.0	2.6	3.5
1906.....	1.9	2.2	1.5	1.2	1.2	1.9	1.7

12. Stationary engine men;

1902.....	†	†	†	†	†	†	†
1903.....	3.3	3.1	3.2	3.0	3.2	3.3	3.2
1904.....	5.1	3.9	3.1	2.8	1.9	1.8	3.1
1905.....	2.7	2.7	3.0	2.4	2.7	3.9	2.9
1906.....	0.8	2.1	2.4	1.9	1.9	1.7	1.8

13. Miscellaneous:

1902.....	22.0	1.2	0.4	1.9	5.0	11.9	7.1
1903.....	20.8	13.1	6.2	7.5	7.5	5.1	10.0
1904.....	14.8	3.6	3.0	4.9	3.9	4.5	5.8
1905.....	1.2	2.2	2.8	3.3	3.0	3.1	2.6
1906.....	1.6	3.1	2.1	3.2	3.9	3.0	2.8

* Includes Group 12.

† Included in Group 4.

In the month of December, 1906, six industries reveal more idleness and seven less idleness than in the same month of 1905; but the industries with increased idleness include the more important ones. Of the six leading industries all but one (transportation), disclose a larger proportion of unemployed workers at the end of 1906, and in the transport trades there is no perceptible improvement. Considerable improvement appears in the smaller groups 9-13, tobacco trades, hotels and restaurants, retail trade, public employment, stationary engine tending, etc.

A feature of the situation is the steady diminution in the idleness resulting from labor disputes during the latter part of the year, so that by the end of December, the year 1906 compared favorably even with 1905, thus:

NUMBER OF MEMBERS OF REPRESENTATIVE TRADE UNIONS RENDERED IDLE ON ACCOUNT OF LABOR DISPUTES AT THE END OF—

INDUSTRIES.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1. Building, etc.....	973	100	46	100	50	36
2. Transportation.....	15		75			
3. Clothing and textiles.....	179	25	25	100	100	122
4. Metals, machines, etc.....	53	20	46	450	430	135
5. Printing and binding.....	601	573	527	476	392	360
6. Wood working and furniture.....	5	3				
7. Food and liquors.....						
8. Theaters and music.....			10			
9. Tobacco.....	2		5			
10. Restaurants, retail trade.....						
11. Public employment.....						
12. Steam-engine men.....						
13. Miscellaneous.....		6	6	6	6	6
Total, 1906.....	1,828	727	740	1,132	978	659
Total, 1905.....	561	675	487	609	756	708
Total, 1904.....	4,982	4,824	4,829	3,194	2,660	2,760
Total, 1903.....	9,991	7,755	3,803	1,821	1,479	1,645
Total, 1902.....	6,690	*	246	*	*	497

No report.

At the end of the year the largest number of strikers reported from the 192 representative unions is found in the printing trades; but this number is but little more than half as large as the number idle in July. The remaining strikers were nearly all shipwrights (group 4) or garment workers (group 3). In four industries not a single wage earner was returned as being on strike in the last six months of the year.

From Table VII, embracing the returns from New York City, figures are drawn to compare with earlier years as below:

At End of—	Unions.	Wage earners reporting.	Number idle.	Per cent idle.	IDLE ON ACCOUNT OF		
					Labor disputes.	Dis- ability.	Other reasons.
January, 1904.....	.....	68,808	15,953	23.2	1,815	922	13,216
December, 1904.....	86	66,185	11,770	17.8	2,564	897	8,309
December, 1905.....	89	62,940	4,228	6.7	673	701	2,852
December, 1906.....	90	62,213	7,938	12.8	654	841	6,443

INDUSTRIAL RELATIONS IN NEW YORK.

Statistics of Disputes in October, November and December.

The record of strikes and lockouts kept by the Bureau of Mediation and Arbitration shows that there were 43 disputes of some importance which began during the months of October, November and December, 1906. In these controversies there were 9,095 employees directly concerned and 724 others who were indirectly thrown out of work. The total loss of working time within the three months in the 43 new disputes amounted to 132,879 days for those directly concerned and 7,227 days for those indirectly affected. In order to arrive at the total loss of time on account of disputes during the three months, however, it is necessary to add the time lost in disputes begun before October 1st, but which lasted beyond that date. In the last BULLETIN (p. 456) twelve disputes were noted as having continued beyond the end of September. It is somewhat difficult to calculate the loss of time in these disputes after the first of October, owing to the lack of precise information concerning three of them, involving 1,000 men, which were part of the lithographers' national strike for the eight-hour day, which still continues. But it is estimated that the twelve earlier disputes probably caused the loss of 60,000 days of working time in October, November and December, practically all by employees directly concerned. This would make the grand total of time lost on account of labor disputes in the fourth quarter of 1906 in round numbers 200,000 days.

Disputes were more numerous in the fourth quarter of 1906 than in the same quarter of any of the three immediately preceding years, and the average number of employees directly concerned in new disputes was twice as great as in 1905, and larger than in 1904, though not so large as in 1903, thus:

		FOURTH QUARTER.			
		1906.	1905.	1904.	1903.
Number of new disputes.....		43	26	11	17
Employees directly concerned.	Total.....	9,095	2,665	2,083	4,140
	Average per dispute.....	212	103	189	244

The most comprehensive basis of comparison of one period with another as to the amount of disturbance of industrial relations by

industrial disputes is the total amount of working time lost. As above noted the total for the last three months of 1906 is estimated at 200,000 days for all disputes existing during the quarter, with which may be compared a similar total of 55,000 for the corresponding months of 1905.

Of the new disputes of the fourth quarter of 1906 there were 12 which occasioned the loss of 2,000 or more days' time as compared with but three such in the same quarter of 1905. These 12 disputes, which, together, account for nearly all the time lost in new disputes in 1906 (129,000 out of 140,000 days) and all but two of which were in New York City, were the following:

LOCALITY.	Trade.	Date.	EMPLOYEES INVOLVED.		Aggregate days lost.
			Directly.	Indirectly.	
Schenectady.....	Electrical apparatus makers.....	Dec. 10-20.....	2,600	.....	26,000
New York City†..	Chandelier makers....	Nov. 20-Dec. 11.	2,098	.....	22,939
New York City...	Shipwrights.....	Oct. 1-Dec. 6...	369	.....	21,033
New York City†..	Silver workers.....	Oct. 8-Jan. 21...	269	.....	*13,000
New York City†..	Chauffeurs.....	Oct. 25-Nov. 17.	300	25	3,125
New York City...	Jacket makers.....	Nov. 19-Jan. 3..	200	.....	7,600
Amsterdam†....	Broom makers.....	Oct. 13-Nov. 10.	121	399	7,486
New York City...	Mineral water bottlers and drivers..	Oct. 9-Feb. 29..	211	.....	*7,000
New York City...	Silver workers.....	Oct. 13-Feb. 1..	97	16	*6,156
New York City†..	Umbrella handle makers.....	Nov. 8-Dec. 5...	300	.....	5,180
New York City...	Silver workers.....	Oct. 8-Dec. 11..	54	.....	2,500
New York City...	Barbers.....	Oct. 1-Dec. 15..	200	.....	2,000

* To December 31st.

† See account in Bulletin No. 31, pp. 457 sq.

‡ See account in following pages.

In the table below are summarized the causes and results of the new disputes of the fourth quarter of 1906. Demand for higher wages was the most frequent cause of disputes, but comparatively few employees were involved in these controversies. Questions of trade unionism caused nearly as many disputes, and a majority of all the employees directly concerned in disputes during the quarter were contending for objects connected with these questions. This prominence of trade unionism among causes is due entirely to the fact that the strike of 2,600 electrical apparatus makers in Schenectady was undertaken to compel the reëmployment of three union members who had been discharged, and the lockout of 2,098 chandelier makers in New York City,

was for the purpose of establishing open shops, these being the two leading disputes of the quarter, especially in respect of numbers involved. Considering simply number of disputes, the work-people won as many as employers. But when numbers of employees involved are considered the balance of results appears strongly in favor of employers. Here again the two principal disputes of the quarter appear as the decisive factor, the electrical apparatus makers of Schenectady having been totally defeated, and the chandelier makers in New York City having been able only to secure a compromise, and that an unfavorable one, since they received only minor concessions in regard to fines for tardiness and pay for supper time, while being compelled to submit to open shop conditions.

NUMBER OF DISPUTES.

CAUSE OR OBJECT.	WON BY				Total.	Em- ployees directly concerned.
	Workers.	Em- ployers.	Com- promised.	Pending or not reported.		
Increase of wages.....	4	7	3	.....	14	1,233
Reduction of wages.....	2	.....	.....	.....	2	126
Reduction of hours.....	2	3	1	.....	6	1,340
Longer hours.....	1	.....	.....	.....	1	10
Trade unionism.....	6	4	2	.....	12	5,774
Particular persons.....	1	2	.....	.....	3	195
Working arrangements.....	1	1	1	2	5	417
Total disputes.....	17	17	7	2	43	.....
Employees directly concerned	2,091	4,162	2,811	31	.....	9,095

INTERVENTION OF THE BUREAU OF MEDIATION AND ARBITRATION.

Buffalo Creek Railroad Switchmen.

On January 12th the switchmen (sometimes designated as yard conductors and brakemen) employed on the Buffalo Creek Railroad at Buffalo went on strike — the result of a disagreement between the management and the Switchmen's Union of North America on the question of the right of the union, of which all but three or four of the employees of this corporation in this class of service were members, to negotiate a proposed working schedule or agreement, commonly termed "mutual bargain," which some time previously had been presented to the management through the regular adjustment committee of employees, no such arrangement having previously existed for this class of service on this property. The management contended that notwithstand-

ing the fact that upwards of 90 percent of its employees in this class of service were members of the switchmen's organization, the balance should participate in the making of the schedule; and on the date set for its discussion, one or two such other employees were present. The switchmen's union committee objected to such participation, and withdrew from the conference, in which course they were sustained by their organization. Several attempts were made later to reconcile the management to the contention of the Switchmen's Union, without success, with the result that the strike was instituted.

Mr. Lundrigan was in Buffalo at the time the strike occurred, and immediately undertook the work of attempting to effect a settlement. None of the foregoing conditions or facts were known to the Bureau until the strike had actually taken place. We venture to say that if they had, it is reasonably possible that the strike could have been prevented. Our inquiry and investigation disclosed the fact that there was considerable misunderstanding as to precedent and practices on other railroads in the making of schedules or working agreements, and as to whether or not such agreements or schedules were of themselves desirable. The employees' organization, acting under the personal advice and direction of National Grand Master Hawley, occupied a most tenable position in view both of precedent and practice in making such agreements, and of the fact that there had been nothing to indicate that working conditions mutually satisfactory to both parties could not be agreed on.

During the two days immediately following the inauguration of the strike, several conferences were held separately with the representatives of each of the interests involved, and on the morning of the fifteenth a joint conference of Manager Knibloe of the railroad, Grand Master Hawley of the Switchmen's Union of North America, and Mr. Lundrigan of this Bureau, was held. This joint conference resulted in an understanding whereby the management conceded the exclusive jurisdiction of the Switchmen's Union committee in the making of the schedule, and under which the work of making such schedule was to be taken up at once by the management and the committee, which was accordingly done, with the result that during the same afternoon a mutually satisfactory schedule was completed, and the strike was terminated.

We take this occasion to point out the wisdom, not to say the necessity, of utilizing all means or agencies to prevent interruption of the operation of public utilities or public service corporations, before such interruption takes place, and venture to assert that it is fear of misinterpretation more often than any other cause which discourages such a course — fear, for instance, that an appeal for intervention will be construed as evidence of an intention to yield, whereas it really means only the utilizing of more complete sources of information and experience. When it is taken into consideration that the territory affected by this strike is perhaps more vital to the general movement of freight than any single railroad property outside of the New York City district, and that there were numerous complications which might easily have resulted in the extension of the strike to such proportions as to paralyze railroad traffic in the locality, for a time at least, and that it is our conviction that this strike could have been prevented had the management enjoyed the same knowledge of practice and precedent in similar circumstances as they acquired after the actual stoppage of operations, or had either or both parties availed themselves of the services of this Bureau, our reasons for constantly urging all parties to industrial disputes to avail themselves of the services of agencies of information, conciliation or arbitration, public or private, will perhaps be better understood and appreciated.

New York City Firemen and Trainmen.

During the month of November, 1906, the locomotive firemen employed on the Erie railroad, through the general committee of adjustment of the Locomotive Firemen's Brotherhood, presented a new working agreement or schedule to the management, which proposed, in addition to a more or less general increase in wages, that firemen should receive pay for the time they are required to be on duty before their trains are scheduled to leave the initial terminal; i. e., time to be allowed and computed from the time a fireman is required to report for duty, instead of from the leaving time of the train, as was provided in the then existing schedule.

The employees' committee was insistent that the above provision be granted before going into the other provisions of the proposed schedule, while the employing corporation insisted that this par-

ticular contention be left open until after working schedules governing other branches of the service had been adjusted by the management and the adjustment committees of the other classes of employees. The firemen's committee seemed to construe the position of the employer as a refusal outright to grant the demand in question, and adjourned for the purpose of taking a referendum vote of the firemen employed on the Erie system as to whether or not they would sustain the committee, which was equivalent to a recommendation by the committee to strike, subject to the approval of the grand officers.

While train service railway organizations very seldom find it necessary to resort to the formality of a strike vote, or engage in an actual strike, this Bureau felt that there was more than a possibility that a strike might result from this dispute; and in order that nothing might be left undone to prevent interruption of the operation of this important public utility, and in order that all undue friction between employer and employee might be obviated, we forthwith communicated with both parties to the dispute, pointing out the injustice, inconvenience and hardship which must result to the public if a strike occurred, as well as the loss to both employer and employee, and formally tendered the services of this Department and Bureau, strongly urging some form of arbitration for any or all questions that could not be otherwise settled.

Notwithstanding the fact that it seems to be generally understood that the vote of the individual firemen was practically unanimous to sustain the committee, another conference was held which resulted in the enactment of a working agreement generally satisfactory to the interests concerned. The settlement of the contention which caused the interruption of negotiations was in the nature of a compromise providing that for all firemen employed on other than regular scheduled trains, "time will be computed from the time they are required to report for duty; on other engines or trains, practice then in effect will continue."

Another threatened strike, which on the surface at least seemed more likely to occur than the one above mentioned, was that of the yard employees in the switching service of the railroads in what is termed the New York Harbor district, which includes the railroad terminals at New York City, Jersey City and Weehawken.

It appears that during the month of November the adjustment committee of the Brotherhood of Railroad Trainmen, representing the employees in switching service, made a demand for an increase of 5 cents per hour in wages for all such employees in the New York Harbor district, which was promptly granted by the New York Central Railroad Company, but not by the several other roads affected. During conferences between the several railway managements and committees of the Railroad Trainmen's Brotherhood, several compromise offers were made by individual railways, but all of these were unsatisfactory to the employees' committee, which insisted on the same increase as that already granted by the New York Central. In the meantime a referendum vote of the employees, represented by the committee, had been taken to determine whether or not they were willing to sustain the committee, which, as in the case of the Erie firemen's vote, meant whether or not they would withdraw from the service if such action should be sanctioned by the proper authorities in the trainmen's organization. The vote must have been favorable to the proposition to strike, as indicated by an ultimatum issued December 20, 1906, by a grand officer of the Trainmen's Brotherhood to the managements of the railroads affected, which stated in specific terms "that unless the increase granted by the New York Central — namely, 5 cents per hour, effective December 1, 1906 — is conceded by your company on or before December 22, 1906, all members of the Brotherhood of Railroad Trainmen employed in your yards in the harbor district will consider your failure to concede the rate as a refusal to deal as fairly with your men as the road mentioned above, and will at once withdraw from your service." The effect of such action, had it been carried out, would have been a practical suspension of the interchange and delivery of freight in the territory of all railroads serving New York Harbor, except the New York Central and the New York, New Haven and Hartford Railroads.

The foregoing ultimatum was the first intimation this Bureau had that a strike was seriously threatened, and realizing the necessity for the application of all possible agencies or remedies to prevent the interruption of a service of such vital importance and necessity to the communities affected, the Bureau forthwith served

a copy of the following on the representatives of each of the parties to the dispute:

"To the General Management of Railroads in New York State and Representatives of their Employees in the Switching Service; Parties to the Dispute in the New York Harbor District.

GENTLEMEN: Press reports indicate a possible interruption of operation on all railroads, with few exceptions, in the Greater New York district, as the result of a dispute as to compensation between the railroad corporations and their yard employees.

If this condition is as outlined in the press dispatches, the New York State Department of Labor must protest against such interruption of these public utilities, until all other means of settlement of the existing dispute are exhausted; and to that end the services of the New York State Board of Mediation and Arbitration are hereby tendered. Should the threatened strike take place, it would probably be incumbent on this Board to make a thorough investigation, fixing the responsibility for the interruption of the public service.

A representative of this Department will present this notice and will make the necessary arrangements for intervention by the State Board of Mediation and Arbitration, if such is desired or necessary.

Very truly yours,

(Signed) JOHN LUNDRIGAN,

Member State Board of Mediation and Arbitration."

Following the service of the foregoing, negotiations between the parties to the dispute were re-opened through the medium of a joint conference of the managements of the railroads with committees representing the employees and the grand master of the employees' organization, brought about by mutual agreement of the two parties. This conference accomplished a settlement of the matters in dispute in the form of a compromise, the pertinent points of which were, that a demand originally made for the eight-hour day or three tour system was withdrawn, and an increase in wages of 4 cents per hour, effective December 1st, was granted by all of the roads except the Long Island Railroad, which granted the conductors an increase of 4½ cents and the brakemen one of 3½ cents, effective December 1st, while the question of granting an additional cent per hour increase in all of the yards affected, except those of the Long Island and Staten Island Railroads, was submitted to arbitration. This arbitration, it may be noted here, resulted in a decision against the additional increase of one cent.

It has come to our knowledge that there was some desultory criticism of our interference in this dispute. We can only point to the fact that the record shows that when we intervened all indications were that a strike was imminent. Our communication to the contending parties occurred after an ultimatum had been issued, which left only the alternative of a strike or the granting of the demand as to wages. We considered that all other methods of settlement had not been exhausted, and believe the settlement arrived at justifies that view.

New York City Silver Workers.

On October 8th, 1906, a strike for reduction of hours from ten to nine per day and recognition of the union was begun by 215 employees of E. G. Webster & Sons, a Brooklyn firm of silverware manufacturers, who employ in the busy season 330 hands. The strike having continued for two months, with no prospect of settlement, on December 10th, representatives of the Bureau of Mediation and Arbitration called on each of the parties and opened negotiations for a conference on the following day between representatives of the firm and a committee of the strikers. The way to such conference appearing to be clear, on the morning of the 11th one of the Bureau's representatives visited the strikers at their meeting place and secured a statement of terms they were willing to make in settlement of the controversy, which were that the strikers should all return to work at ten hours as formerly, that recognition of the union would not be insisted on and that the question of later establishing the nine-hour day should be submitted to arbitration. These terms were then submitted to two members of the firm by the Bureau's representatives, and the employers signified their willingness to take back the men without recognition of the union, and explained with respect to the nine-hour day that the firm was unable to grant that because all its competitors were working on a ten-hour basis. A committee of the strikers having been called in the firm's position was restated to them and a discussion followed, the strikers' committee finally appearing to be satisfied with the employers' terms, but stating that they must report back to a meeting of the striking employees.

In the evening of December 13th the committee made its report

to a meeting of the strikers and other members of their union, which was attended by the representatives of the Bureau of Mediation and Arbitration. The outcome of this meeting, after prolonged discussion, was the appointment of a committee which, on the following morning, in the presence of the Bureau's representatives, informed the principal member of the firm that at the meeting of the night before it was voted not to accept the terms offered but to insist that a definite date be set for the establishment of a nine-hour day, and that definite dates be fixed for the re-employment of each class of workmen, and if Mr. Webster would not agree to this they were to ask that he use his influence with the manufacturers' association to have the nine-hour day established in the trade. These new demands were refused on the spot by Mr. Webster, who reiterated, however, his former willingness to take back the strikers on the old terms, but declared that, the busy season being on, any further attempt at arbitration would have to be postponed at least until after the holidays.

In view of Mr. Webster's statement no further efforts at mediation were made until after the holidays, although the strike was continued. But on January seventh the representatives of the Bureau of Mediation and Arbitration called at the strikers' headquarters and then, being requested by the strikers so to do, called on Mr. Webster and found him willing to reopen the matter. Accordingly, on the following day, negotiations were taken up, no conference of the parties being held, but the Bureau's representatives acting as mediators. The strikers having asked for a nine-hour day with ten hours' pay, Mr. Webster replied that he was ready to treat with the men on a nine-hour basis, but that he would not recognize the union and could not take back all the strikers, though he would do the best he could in that direction. These terms were considered by the strikers at a special meeting but were rejected, and it was voted to continue the strike. But efforts for a settlement were continued by the Bureau's representatives and finally resulted successfully on January 21st, when the men declared the strike off essentially on the terms as proposed by the employers on January 8th, that is, return of the strikers to work as individuals on a nine-hour basis, Mr. Web-

ster agreeing to take the men back just as soon as his business would permit. In spite of the long drawn out dispute, there was a notable absence of hard feeling between the firm and its employees throughout the controversy, and after the settlement the best of feeling prevailed between the two.

On October 13, 1906, there was a strike of sixty bobbbers and polishers in the employ of the Whiting Manufacturing Company of New York City to compel the discharge of a non-unionist who had formerly been a union member. As soon as the man objected to learned that the strike was due to opposition to him, he voluntarily left the employ of the company, the latter, however, urging him to remain and securing from him a signed statement that he was leaving of his own accord. But his leaving did not end the strike owing, apparently, to the fact that the signed statement as to his leaving which the company had insisted upon his making and the nature of which had been made known to the strikers, was interpreted by the latter as an act of hostility on the part of the company. Accordingly the strike was continued and after waiting two weeks for the strikers to return to work, the firm began securing new hands, many of them from other cities, for whom the company fitted up quarters in a house not far from the factory. The advent of these new employees led to an extension of the strike on November 10th, when thirty-seven employees of other departments joined the bobbbers and polishers, and the issue in the controversy became the discharge of the new hands, or alleged "strike breakers."

On December 12th the company posted a notice to the effect that the strikers would be given one last opportunity to return to work on Monday, January 7th, and that those who did not then return would be dropped from the payroll. At this stage of the dispute a representative of the Bureau of Mediation and Arbitration visited the office of the company and arranged for a conference between two members of the firm and two representatives of the Metal Polishers, Buffers, Platers, Brass Molders, Brass and Silver Workers' Union of North America, the strikers being members of two local unions of that organization. The conference was held at the office of the company on January 28th, and

was attended by two representatives of the Bureau. At this conference the employers insisted throughout that the first step toward a settlement must be an unconditional calling-off of the strike and that until that should be done the firm would make no promise as to discharge of new hands or reinstatement of former employees beyond an assurance that after the strike should be declared off the matter would be taken up and all hands would receive absolutely fair treatment on the simple basis of competency as workmen. As the result of the conference a meeting of the two local unions Nos. 282 and 332 was held on January 31st, a representative of the Bureau attending and taking part in this meeting as also in a preceding meeting of the executive boards of the unions. After hearing and discussion of the report of the conference of the 28th it was voted at the union meeting "That the matter of conducting the affairs of the locals in connection with the strike under consideration be referred, and is hereby referred to the Joint Executive Boards representing our locals." Immediately after the meeting the executive boards convened, requesting the Bureau's representative to remain, which he did, and resolved, "That the strike against the Whiting Manufacturing Company be declared off, as per request of Messrs. Hamilton and Osborne [representatives of the firm at the joint conference], and that all further negotiations as to the reinstatement of the men be placed in the hands of Messrs. Leary and Ford [the employees' representatives at the conference] and the State Board of Mediation and Arbitration."

The above action, which brought the strike to an end on February 1st, was on that day reported to Mr. Hamilton, of the firm, by the employees' representatives in company with a representative of the Bureau, and at a joint conference on February 5th, at which again representatives of the Bureau were present, the question of re-employment of the strikers was taken up. While the minutes of this conference were not made public it is understood that the company agreed to re-employ the men as fast as vacancies should occur and that this agreement has since been kept to the satisfaction of the union.

Under date of February 13th the Commissioner of Labor received the following acknowledgment of the services of the Bureau

of Mediation and Arbitration from the union business agent who had conducted the strike:

METAL POLISHERS, BUFFERS, PLATERS, BRASS AND SILVER WORKERS' UNION
OF NORTH AMERICA, LOCAL NO. 282.

NEW YORK CITY, *February 13, 1907.*

MR. P. T. SHEERMAN.

Dear Sir:—The above named organization hereby acknowledges the valuable assistance rendered them by the Board of Arbitration and Mediation in the settlement reached in the Whiting Manufacturing Co. strike of sixteen weeks duration. Your representatives were Messrs. Bealin and Reagan. Thanking you for the interest taken in our case and wishing you success in all like ventures, I beg to remain

(Signed) A. HELLTHALER,
Vice-President District No. 1.

New York City Umbrella Handle Makers.

On November 8th, 1906, a strike occurred in the shops of two members of the Umbrella Handle and Cane Makers' Association of New York City, for the purpose of enforcing a demand for a reduction of hours from ten to nine per day, and for closed shops. On November 15th similar strikes occurred in two other shops and on the same day the manufacturers' association declared a lockout in all of their shops, fourteen in number. The total number of men locked out was 300, including the 32 who went out in the strikes of November 8th and 15th.

On December 4th and 5th a representative of the Bureau of Mediation and Arbitration, after separate interviews with the strikers at their headquarters and with the executive committee of the employers' association, succeeded in arranging a conference between the employers' executive committee and a committee of seven of the strikers, who had been given full power to arrange terms of settlement. The conference was held at the Grand Central Hotel and lasted from 3 until 7 o'clock P. M. on December 5th. In addition to the two committees there were present the secretary of the United Hebrew Trades, with which the strikers' union was affiliated, and two representatives of the Bureau of Mediation and Arbitration, one of whom acted as chairman and the other as secretary of the meeting.

After extended discussion the strikers' committee retired to formulate a definite proposition for a settlement, and on returning to the meeting proposed as their terms that the union should be

recognized, that work should be resumed at ten hours per day until March 1, 1907, and that on June 1, 1907, a joint committee be appointed to take up for final consideration the question of recognition of the union and reduction of hours to nine per day. After further discussion the manufacturers' committee offered as a counter proposition that the men return to work on the ten-hour basis, and that on June 1, 1907, the questions of reduction of hours and recognition of the union should be taken up by a committee composed of seven members, three named by each side, with the seventh chosen by these six. Further discussion finally resulted in an agreement by which the proposal of the employers was accepted, with the addition of provisions that all the men on strike should return to work and receive their former places, that in the interval prior to June 1, 1907, no one should be discharged without just cause and that the men who had left the union during the strike and had been employed by members of the manufacturers' association should be compelled to return to the union and take out union cards. Following the conference the representatives of the Bureau, at the request of the president of the strikers' union and the secretary of the United Hebrew Trades, attended a meeting of the strikers and others, called originally to raise funds for the strikers, at which the men's committee made report of their action in connection with the settlement. Only after considerable discussion and explanation could the meeting be brought to accept the terms of settlement, but this was finally done and work was resumed on the morning of December 6th.

JOINT TRADE AGREEMENTS.

Pressmen's Agreement with the United Typothetae of America.

This Agreement, made and entered into this 8th day of January, 1907, by and between the United Typothetae of America and the International Printing Pressmen and Assistants' Union of N. A. for the purpose of establishing between the employing printers of the United States and their pressmen and feeders uniform shop practises and fair scales of wages, settlement of all questions arising between them, and the abolition of strikes, sympathetic or otherwise, lockouts and boycotts.*

Witnesseth, That any question arising between a local Typothetae or affiliated association of employers and their pressmen or feeders in regard to wages or shop practises shall be referred in writing to the local Conference Com-

* Ratified by the Typothetae Feb. 2, 1907.

mittee, made up equally of representatives from the local Typothetæ and the local Union. During such conference, and until final settlement of the question, the conditions obtaining at the time of the notice shall continue, and in the mean time there shall be no lockout and the men shall remain at work. Should either party, after such notice, consider itself further aggrieved such party shall immediately present a written protest of such condition to an officer of the other party, which grievance shall be acted upon by the Conference Committee within five days. Neither party shall have the right, under any circumstances, to decide that the other party has broken the contract, but such decision shall remain only with the Conference Committee. Should this Committee be unable to agree, or should one of the parties consider itself aggrieved by said Committee's findings, either party to the Conference may refer the question at issue to the National Conference Committee, which National Conference Committee shall act as hereinafter set forth.

Both local and National Conference committees, in settling questions of shop practise, shall aim at the establishment of uniform shop practise throughout the United States and Canada. Unless special contracts to the contrary exist, any finding of the National Committee in regard to shop practise shall be binding upon local organizations.

A ruling upon a question of shop practise shall be made within three months after the presentation of such question to the Conference Committee of either side, and such ruling when once established by said committee shall not be reconsidered within two years.

Any change in the scale of wages shall be settled by conference or arbitration within four months after the first request for consideration, but shall not go into effect until one year after the first request for consideration; and no scale of wages shall be changed oftener than once in three years; provided, however, that all such scales of wages shall terminate with the expiration of this contract unless specifically agreed to the contrary.

All present contracts between the local Typothetæ or affiliated organizations of employers and their pressmen and feeders shall continue in force until their natural expiration.

A contract accepting a particular scale of wages does not include the acceptance of any rules of the union in regard to shop practise not specially mentioned in said contract.

The International Printing Pressmen and Assistants' Union of N. A. shall not engage in any strike, sympathetic or otherwise, or boycott, unless the employer fails to live up to this contract, it being understood that the employer fulfils all the terms of this contract by paying the scale of wages and living up to the shop practises as settled by the committee, regardless of his employees' union affiliations; no employer shall engage in any lockout unless the union or members thereof fail to live up to this contract; the conference or arbitration committee to be the final judge of what constitutes a failure to live up to this contract.

Pending investigation or arbitration, the men shall remain at work. The Conference Committee shall fix the date when any decision shall take effect, except the question of wages, which is heretofore provided for.

In the event of either party to the dispute refusing to accept and comply with the decision of the National Board of Arbitration, all aid and support to the firm or employer or local union so refusing acceptance and compliance

shall be withdrawn by both parties to this agreement. The acts of such recalcitrant employer or union shall be publicly disavowed, and the aggrieved party to this agreement shall be furnished by the other with an official document to that effect.

In the event of a strike in a non-Typothetæ office, if it is proven to the Local Conference Committee that such office is not complying with the shop rules and practises and scale of wages in accordance with the terms of this contract, no assistance shall be given to such office by Typothetæ members.

This agreement shall continue in full force and effect until May 1, 1912.

It is expressly agreed that until January 1, 1909, fifty-four hours shall constitute a week's work; and that thereafter during the life of this contract 48 hours of eight hours a day shall constitute a week's work; arrangements however, can be made locally to bring the 48 hours so that a Saturday half-holiday can be enjoyed without overtime cost to the employer, it being distinctly understood that the employer is entitled to the forty-eight hour week 52 weeks in the year, except where legal holidays intervene.

Notice of any desired changes in the contract must be given in writing by either party to the contract at least one year prior to the expiration thereof.

Manner of arbitration: Each party to this contract shall appoint two of its members who shall be known as its members of the National Board of Conference and Arbitration. These members may be changed at the will of the respective parties except during the negotiation of any particular question, during which time the membership of such Board shall continue the same. In case of the death of any member of such Board during the consideration of a question, the place of such deceased member shall be filled by his party, and the entire proceeding shall thereupon begin again. This Board shall meet upon a request of the president or presiding officer of either party at some point to be mutually agreed upon, within one month of such request, and shall take such evidence as it may consider bears upon the subject in hand. A majority of votes cast upon any question shall be binding upon both parties to this agreement. Should the vote upon any question result in a tie, this Board shall select a fifth person to act as arbitrator, who shall for this particular question act as a member of such Board, and the decision of such constituted Board shall be binding upon the parties thereto.

The expenses of the members of the Conference Committee shall be borne by their respective parties. The common expenses of a conference shall be equally divided between the two parties.

Signed in duplicate.

UNITED TYPOTHETÆ OF AMERICA.

(Signed) GEORGE H. ELLIS,
WILLIAM GREEN,
E. LAWRENCE FELL,
A. R. BARNES,
T. B. DONNELLEY.

INTERNATIONAL PRINTING PRESSMEN AND ASSISTANTS' UNION OF N. A.

(Signed) MARTIN P. HIGGINS,
JOHN G. WASHINGTON,
EDWARD W. GORDON,
WILLIAM J. WEBB.

International Paper Company's Shop Rules.

DAY WORKERS.

1. *Hours for Day Workers.*—The regular hours of service for day workers shall be from 7 A. M. to 12 noon, and from 1 P. M. to 5 P. M., six days each week.

2. *Starting and Stopping Work of Day Workers.*—Day workers shall be in their respective rooms ready to begin work at 7 A. M. and 1 P. M. Machinery shall be started promptly and not stopped until the three minutes before 12 noon and 5 P. M. A gong or bell will sound the three minute leeway. Mill racks for the day workers will be opened three minutes before the hour.

3. *Overtime of Day Workers.*—When a day worker has an unfinished task at the end of nine hours, if requested, he shall continue at work. Up to ten hours he shall receive pay at his established rate for the period worked. If he works longer than ten hours, he shall receive pay for the period worked plus one hour to cover his supper hour. (An hour's time with pay can be allowed while employee is going home for supper and returning to the mill, or if he remains on duty continuously, pay for one extra hour can be added to his day's wages.)

4. *Sunday and Holiday Work of Day Workers.*—Day workers will be allowed time and one-half for the period worked between 7 A. M. Sunday and 7 A. M. Monday, also for work upon the Fourth of July, Labor Day and Christmas.

5. *Repair Men Called at Night.*—If called at night, repair men will be allowed pay for the period worked, plus one hour to cover time consumed going to and from the mill. No repair men called at night will receive pay for less than two and one-half hours' time.

6. *Teamsters' Hours and Pay.*—Teamsters shall be on duty nine hours and shall do stable work outside of this period. They will be paid for ten hours' time, the extra hour covering the stable work.

TOUR WORKERS.

7. *Hours for Tour Workers.*—Tour workers shall be organized into three shifts and shall work eight consecutive hours upon each shift as follows:

Tour A.....From 7 A. M. to 3 P. M.

Tour B.....From 3 P. M. to 11 P. M.

Tour C.....From 11 P. M. to 7 A. M.

Shifts shall rotate in sequence weekly.

8. *Starting and Stopping Work of Tour Workers.*—When a tour begins each tour worker is required in his place. At the end of a shift, no tour worker shall leave his place to wash up and dress until his mate has changed his clothes and reported to take on the responsibility of the position. If a tour worker does not report for his regular shift, his mate shall notify his foreman. He shall then remain at his post until a substitute is secured, and, if necessary, he shall work an extra. It is the duty of a tour worker to report for his regular shift, unless he has already arranged a leave of absence with his foreman. If unavoidably prevented from reporting, he shall give his foreman sufficient notice to permit the arrangement of an extra.

9. *Overtime for Tour Workers.*—When a tour worker occupied in putting on wires and machine clothing has not completed his work at the end of his

shift, he shall, if requested, continue at work and shall be allowed pay for period worked plus one extra hour's time to cover his supper hour. Tour employees called into the mill outside of their regular shift to assist in putting on wires and machine clothing shall be allowed pay for four hours' time.

10. *Sunday Work of Tour Workers.*—Tour workers employed in regular tour work will be paid straight time for all work between 7 A. M. Sunday and 7 A. M. Monday. Tour workers called into the mill Sunday, especially for repair work, will be allowed time and one-half for work between 7 A. M. Sunday and 7 A. M. Monday.

11. *Sending for Meals.*—No tour worker on duty shall be sent out of the mill for meals. A day worker may be sent for the dinner of a tour worker unexpectedly requested to continue on duty for an extra shift.

ALL EMPLOYEES.

12. *Rates of Pay.*—Each *Day* and *Tour* employee will be paid for the number of hours actually spent in the Company's service at the rate which is established for his occupation.

13. *Holidays.*—The Holidays of mill employees shall be the Fourth of July, Labor Day and Christmas. The shutdown of the plant in each case shall be for 24 hours, beginning at 7 A. M.

14. *Individual Responsibility.*—Everything in and about the plant shall be kept clean and in good order, and each employee will be held responsible for the condition of the part of the plant under his control.

15. *Causes for Discharge.*—The causes for immediate discharge are:

Bringing intoxicants into the mill.

Reporting for duty under the influence of liquor.

Smoking upon the Company's premises.

Destruction or removal of the Company's property.

Refusal to comply with the Company's rules.

Disobedience.

Neglect of duty.

Disorderly conduct.

Dishonesty.

16. *Whistles.*—Mill whistles will be blown as follows:

5:30 A. M., long whistle.

6:45 A. M., short whistle.

7:00 A. M., long whistle.

12:00 NOON, long whistle.

12:45 P. M., short whistle.

1:00 P. M., long whistle.

5:00 P. M., long whistle.

17. *Bulletin Boards.*—Notices shall not be posted in the mill except upon the official Bulletin Board. In each case the approval of the Superintendent must be obtained before the notice is posted.

18. *Dangerous Work.*—Employees are not expected to do dangerous work. If ordered to do so they may refuse without penalty on the ground of danger. Otherwise they must assume all risks. They must familiarize themselves with their duties and the hazards of same.

19. *Clothing*.—Employees working upon moving machines must not wear clothing which can be readily entangled therein. Clothing not in use shall be kept in lockers provided for that purpose.

20. *Defects in Machinery*.—Employees must immediately report dangerous defects in machinery, and are forbidden to work thereon until fixed.

21. *Safeguards*.—Safeguards must not be removed except by Foreman or Superintendent. If removed, they must be immediately replaced.

22. *Elevators*.—All employees using elevators do so at their own risk. Stairs are provided for use instead.

23. *Reporting Accidents*.—Accidents must be reported at once by the injured employee and by all witnesses to the Foreman and by him to the office.

24. *Fire Service*.—In case of fire all employees must assist in preventing destruction of the Company's property. Fire apparatus must not be removed from its place or used except in case of fire or by order of Superintendent. No torches or lamps with exposed flames shall be used in any building.

January 1, 1907.

INTERNATIONAL PAPER COMPANY.

DECISIONS OF NEW YORK COURTS.

When a Threat to Call a Strike Constitutes Extortion.

People of the State of New York v. Winshelmer, N. Y. Law Journal, Feb. 26, 1907.

On February 15, 1907, the Appellate Division of the Supreme Court, First Department, rendered a decision in which it unanimously sustained the conviction of Philip Weinsheimer of the crime of extortion, under sections 552-554 of the Penal Code, by reason of his having exercised his authority as president of a labor union, in 1903, to obtain from a plumbing contractor \$1,000 in cash and \$1,700 in notes, through threats of continuing a strike then on. The opinion, written by Justice Laughlin, is long and cannot be given here in full, but the omitted parts relate to technical criticisms of the trial court charges which are not of general interest.

The charge upon which the defendant was convicted is, in effect, that on the 31st day of December, 1903, he, then being president of a labor union, obtained from one George J. Essig the sum of \$1,000 in money and seven promissory notes aggregating \$1,700 by fear, induced by a threat made to Essig, who had a contract for the plumbing work on the Chatsworth apartment house on Seventy-second street, near Riverside Drive, owned by the Johnson-Kahn Company, that unless said sum of money and notes were delivered to the defendant work could not be resumed on the contract, the men at that time being out on a strike.

The provisions of the Penal Code, under which the indictment was found and conviction had, are sections 552, 553 and 554. Section 552 defines extortion as follows: "Extortion is the obtaining of property from another, with his consent, induced by a wrongful use of force or fear, or under color of official right." Section 553 defines "what threats may constitute extortion," so far as material to the appeal, as follows: "Fear, such as will constitute extortion, may be induced by a threat: 1. To do an unlawful injury to the person or property of the individual threatened, or to any relative of his or to any member of his family." Section 554 provides that "a person who extorts any money or other property from another, under circumstances not amounting to robbery, by means of force or a threat mentioned in the last two sections, is punishable by imprisonment not exceeding five years." Section 561 of the Penal Code, contained in the same chapter with the sections already quoted, provides that "it is immaterial whether a threat, made as specified in this chapter, is of things to be done or omitted by the offender, or by any other person."

The defendant was president of Plumbers' Local No. 2 of the City of New York, which was composed of journeymen plumbers. There was also an

organization of master plumbers, known as the Master Plumbers' Association. There existed between the two associations an agreement by which the members obligated themselves to work for and employ only members of the respective associations. The contract for the plumbing work in this apartment house had been first let to one Rendall, who was not a member of the Master Plumbers' Association but who employed on the work about twenty-two plumbers who were members of defendant's union. George F. Johnson, who was president of the Johnson-Kahn Company, was called by The People, and testified in substance that on or about the 4th day of November, 1903, a man who called upon him professing that the object of his visit was in regard to an "advertisement in a plumbing journal," disclosed his real purpose to be to inform him that a strike was threatened on the building and to arrange a meeting between him and one Selly, as "a man who could probably help me out;" that up to this time the company had heard nothing of a threatened strike, but that he was persuaded there was something to it and arranged to meet Mr. Selly the next day; that on being introduced to Selly by the alleged canvasser the next day, Selly said he wanted to introduce him to "somebody," and without disclosing who the "somebody" was or discussing the threatened strike made an appointment for the following day, at which time he introduced him to the defendant, thereupon leaving them together in Bryant Park; that the defendant then said he was going to call a strike on the building because the owners were "lumping the job" and the contractor was not a member of the Master Plumbers' Association. It seems that the term "lumping" is used to designate a method of doing work where the contractor is only the figurehead for the owner, who purchases the material and assumes all the responsibility in connection with the contract, and the "lumper" merely furnishes the labor and acts as superintendent upon an agreed compensation for his services. Johnson further testified that he denied that the company was "lumping" the contract, and undertook to convince the defendant, who said: "Well, you know we do not have to prove that to anybody but ourselves;" that he suggested he would ask Rendall to join the association, to which the defendant replied, "Well, there is a big likelihood that he won't get in," and then said, "I can fix this matter for you, though;" whereupon the witness asked, "How can you fix it?" and the defendant said, "Well, it will cost you some money; you are making considerable out of this job, doing it the way you are, making \$10,000, and you ought to give me at least \$2,500;" that he informed defendant that that was out of the question and he did not think the company would give anything, but suggested that after the work was completed, if the company should have no trouble with strikes, it would make the defendant a present of \$500, to which the defendant answered that that would not be cigar money for the "bunch" and that he was representing some people down town, and that his union and the boss plumbers had a working agreement, and that there was someone else who had to come in on the "divide," and upon the witness saying "All right, Mr. Weinseimer, then that ends it," the defendant said, "Well, you had better think it over and meet me here in a week," which the witness promised to do; and that during this conversation the defendant informed the witness that he was president of the union. The defendant admitted that he had an interview with Johnson at the time and place specified, but claimed that he came on Selly's invitation, who introduced

Johnson as a subscriber who wished to talk with the defendant; that Johnson brought up the subject of the trouble and spoke of Rendall not being a member of the association and of desiring to have him join, and apparently, as an inducement to obtain the defendant's influence, manifested a willingness to give him valuable information concerning the races, and he denied that there was any talk concerning the \$3,000 or \$2,500, as testified to by Johnson. Johnson further testified that he met the defendant again in Bryant Park a week later and declined to submit to his demand, but renewed his offer to give him \$500 if there should be no strike, to which the defendant replied that that was no proposition at all, and if the witness would make him a moderately liberal proposition he might talk business, and on parting the defendant said, "There is no need of being bad friends, when you do get in trouble up there you can call me up if you like," and he gave the witness his telephone number. The defendant admitted this meeting also, but testified that Johnson requested his assistance in getting Rendall into the association and said to defendant, "If there is any way you can arrange this matter, if you can see that this man was admitted, and there would be no trouble on the job * * * I will make you a present of \$500," to which the defendant says he replied that there was nothing he could do, *but that if Johnson wanted to make him a present he could not very well stop him*, and he denies that there was any talk on this occasion about the \$3,000 or \$2,500. This last interview was on or about the 13th of November, and on the 16th the strike was ordered and the men left work. It is conceded, however, that the strike was duly ordered in accordance with the rules and regulations of the union. The court instructed the jury that the evidence was insufficient to warrant them in finding that the defendant "took any part improperly" in bringing it about. After the men struck, and before Essig obtained the contract, the union passed a resolution declaring that it was "the sense of this organization that the men taken out of the shop of Rendall are entitled to waiting time." The owners then entered into a contract with Essig to do the plumbing work. The contract was signed on the 21st day of December, 1903. Essig attempted to commence work the next day, but was informed by Alwater, a delegate of the union, that the men were entitled to "waiting time," which would have to be paid before they resumed their work, but Essig was permitted to do a small repair job and was allowed two men who worked on that day. The court instructed the jury that the demand for waiting time was made by order of Local No. 2, and that the defendant was not responsible therefor. On December 23 Essig saw one Finn, another delegate of the union, who also informed him that the "waiting time" would have to be paid before the work could be resumed. Essig informed the delegates that he was willing to pay the "waiting time," and wanted to know how much it was. The delegates said that they did not know, but would ascertain and inform him. Essig saw no one connected with the work from December 23 until December 28, when he met Alwater, who told him that he had been unable to find out how much the "waiting time" was or to whom it was due. Essig then asked if there was any way to get the privilege of the floor at their association, and Alwater said he would ask the president. On that evening Essig went to the meeting of the union and was introduced to the defendant, who was president, by Alwater. He was desirous of starting the work the next morning, and for the purpose of paying the waiting time he had a certified check

in his pocket for \$1,000. He asked the defendant for the privilege of the floor, which was refused, and the defendant said that he was too busy to talk with him, but to come around to his office the next day at 12 o'clock, at which time he would see him. It is undisputed that Essig and the defendant had an interview on the 29th of December. Essig testified that he met the defendant on that day pursuant to appointment, and that they went into a café and sat down in one of the booths, whereupon defendant asked to see his contract and he exhibited it to him, at the same time informing him that the job amounted to about \$22,000; that he then asked defendant: "Why are you holding my men up?" to which the defendant answered: "Waiting time that is due on the job has got to be paid to the men that were pulled out on it with Rendall," to which the witness answered: "I am perfectly willing to pay them and have been," but that he did not know the amount or the names, and asked defendant for that information, to which defendant replied: "I will have the delegates find that out, but that is not in a hurry anyway;" that the witness then said: "If that is not in a hurry I would like to start the job immediately, and I will leave the check right up with you;" that the defendant then said: "Now, you ain't in the plumbing business for your health, but to make money, and I ain't running the labor end of it for the love of it, either * * * Now, you have got a \$40,000 contract here, and will make about \$15,000. What I want is \$3,000, and if you don't give it to me you nor any other son-of-a-bitch will start that job." Later on the witness was asked: "When Weinseimer told you that unless the \$3,000 were paid neither you nor any other son-of-a-bitch could go to work on that job, did you believe him?" and he answered: "I did." The witness further testified that he asked the defendant how he wanted the money, to which the defendant answered: "I will take \$1,000 down; I won't take a check; they will never catch me the way they caught Mr. Parks; the balance we will settle later;" that the witness said he would think over the matter, and the defendant asked how long he wanted to think it over, and on being informed that he wanted until the following day, replied: "You meet me at my office, 95 Nassau street, between twelve and one," and gave the witness his telephone number and instructed him to telephone in case he could not come down, so that he, the defendant, would not waste his time. The defendant's version of this interview was that Essig called to assure him of the fact that he had received the contract for this work, and that it was legitimate, and to ascertain if it was satisfactory to the defendant, and was informed that the Master Plumbers' Association was the organization to decide whether the contract was right, and that his union had no grievance, except that it required that the "waiting time" should be paid, and he referred Essig to the delegates Finn and Alwater to ascertain the amount and to whom it was payable, and he denied that he made any demand for money. Essig, in rebuttal, denied the defendant's version of the interview, and further testified that he met the defendant on the 30th day of December, pursuant to the appointment; that after sending the stenographer out of the room the defendant asked him what he had decided to do, and was informed that he had decided to pay, but thought the amount was too much, and that \$2,500 was enough, to which the defendant replied that he could not take \$2,500; that "I have got to divide it up with other people, and the least I will take is \$2,700;" that he then told defendant he would pay it, and that in answer

to an inquiry the defendant said he would take \$1,000 down and the balance in seven notes payable at Essig's shop, made out in blank with respect to the name of the payee, the first for \$200, and the other six for \$250 each, payable respectively on the 10th day of each successive month, and the defendant asked when he would be ready to pay the money, and was informed "at any time," whereupon defendant asked the witness to meet him at the same place the next day; that the witness then asked the defendant if he could start the job, to which the defendant replied, "No, that ain't in a hurry; you meet me at the appointed time to-morrow," which the witness promised to do. The defendant denied that he had any conversation with Essig on that day. After the interview with the defendant on the 30th of December, Essig went to the office of the company and informed the treasurer that he was to pay the defendant \$1,000 in cash, and give him seven notes, and the treasurer filled out the notes in accordance with Essig's suggestions, which conformed to the directions of the defendant, and Essig signed them. Essig then surrendered to the Hamilton Bank the certified check, which, on the 28th day of December, he had drawn against the proceeds of a \$1,000 check received from the owners for the purpose of paying the "waiting time," and obtained \$1,000 in cash, and on the following day took the notes and cash to the defendant's office, between 12 and 1 o'clock, pursuant to the appointment, and, according to his testimony, delivered them to the defendant, who counted the money and put it in his pocket and retained it, and examined the notes and inquired the name of the witness' bank, and on being told that it was the Hamilton Bank said that he had changed his mind about having the notes payable at the witness' shop, and requested that the witness make out seven other notes payable at the Hamilton Bank, leaving the name of the payee blank as before, and said that he would have an innocent party sign them and run them through the bank, or that he might call the witness up and have him bring the money down to pay the notes which would be delivered as they fell due, to which the witness expressed assent, and then asked if he could start the work, and the defendant said, "*All right, go ahead; I will notify the delegates that everything is all right,*" and the witness answered, "All right," and departed for The Chatsworth. The defendant admitted that he had an interview with Essig on this day between 11 and 12 o'clock, but he testified that the conversation related to the "waiting time," of which Essig complained as excessive, and denies that he received the money or the notes and the conversation respecting the same. Before going to defendant's office on this day, Essig had been at the building, and says, in substance, that two members of the union were there in the morning about 9 o'clock, and five or six before 11:30, but that they did not actually begin the work until after he had paid the money to the defendant, although they were preparing to resume work before that hour, and that he had no further difficulty in starting the work satisfactorily; that he did not know who ordered the men to return to work, but that he had no talk with the delegates about the men returning to work at that time, and had not sent for them, otherwise than his conversation with the defendant. Evidence was introduced in behalf of the defendant tending to show that some of the men resumed work in the morning, but that was controverted. After the work had been resumed, and on the 4th day of January, 1904, Essig paid the "waiting time," which was upwards of \$900, and he testifies that on the next day he

saw the defendant and delivered to him seven notes in all respects the same as those first prepared, with the exception that the place of payment was changed to the Hamilton Bank, which the defendant received and retained. The seven notes originally prepared and all but the last of the second set, which was not due until August 10th, were received in evidence, as were Essig's check book and the checks. One of the notes was payable on the tenth day of each month commencing with the 10th day of February. According to the testimony of Essig, about the 11th or 12th of February, the defendant telephoned him under the name of Brown, but subsequently disclosed his identity, and asked if the witness could come down to meet the first note; that the witness replied that he would be down within a couple of days, and on the 17th day of February he drew \$200 from the bank, the amount of the first note, and called upon and delivered it to the defendant, who put it in his pocket and retained it, and surrendered the note; that as each of the other notes, except the last, fell due, or within a few days thereafter, he drew from the bank \$250 and delivered it to the defendant, and received the note which it paid. The paying teller of the bank corroborated Essig with respect to the respective transactions with the bank. The defendant denied that the notes were ever delivered to him, or that they were paid to him. He admitted, however, that Essig came to his office about four or five weeks after December 31st, 1903, and testified that he did not see him again prior to the 17th day of August, 1904, but he claimed that Essig's visits on those occasions were with respect to trouble that he had about "testing" on the work and with respect to obtaining cheaper help, matters which were not within the jurisdiction of the defendant. Essig, in rebuttal, denied this testimony. The defendant's stenographer testified that she saw Essig in the defendant's office two or three times between the 1st of January and the 1st of July, 1904, at intervals of four or five weeks.

The payment of the last note was not proved by the People, but was brought out by the defense on Essig's cross-examination. In connection with this fact the defense showed that there was a general strike in August; that the men on "The Chatsworth" job went out with others; quitting on August 16; that shortly prior to August 16 the defendant endeavored to telephone Essig, but was unable to get into communication with him. Essig testified that on August 17 he had conversations with the owners, with an attorney named Cohn and a representative from the district attorney's office, relative to his transactions with the defendant, and was provided with \$250 in bills, some of them being marked; that from the district attorney's office he telephoned to the defendant and asked "why he pulled out my men;" that defendant denied that he pulled them out, and on being asked if he knew that they were out said that he did, and that he was trying to get the witness on the wire a couple of days, and said: "You know what the trouble is," and the witness said: "I suppose the reason you pulled them out was because I was not down with the other money," to which the defendant answered, "Yes;" that witness then asked the defendant if he could see him; that defendant said he was awful busy, but that if "I would come down in ten minutes he would give me five minutes." Essig then went down to see the defendant and the latter suggested that they go to the office of the People's Security Company (where it appears that the attorney for his union had an office), and went into a private office and had a conversation, the substance of which was that

the defendant had learned that the district attorney was investigating his conduct in this matter and that for that reason he had destroyed the last note, but he asked for the amount of it, which the witness paid over and the defendant counted, and while he was counting it the witness coughed, as a signal, evidently, to the detectives who were supposed to be in hearing. The testimony of Essig indicates that the defendant therefore became suspicious, for he said that he was informed that Kahn, a member of the owner corporation, had been before the district attorney, and he asked if this money which Essig gave him was Kahn's money, and thereafter left the room, asking the defendant to wait a minute, and remained absent about a minute. After the defendant returned they went down stairs, and the defendant said: "You know, Essig, that under the Prince law you are just as guilty as I am." When they reached the ground floor the defendant was arrested by the detectives, but there is no evidence that any of the marked money was found on him. With respect to this interview the defendant testified in substance that it only consisted in the discussion of the reasons for the strike in August, and he denied that there was any payment of money or that they went into any private office. The testimony of other witnesses was introduced by the defense, evidently with a view to showing that Essig's story that he and the defendant went into one of the private offices was not true. The testimony of these witnesses, however, was contradicted by their own admissions or by other evidence, and it does not appear to be convincing.

The conversations had between the defendant and Johnson prior to the first strike were received under the exception and objection of the defendant that they were incompetent and immaterial. The purpose of the evidence at the time it was offered was not stated, nor was the effect of it limited by the court in its reception.

At the close of the People's case, and at the close of the evidence, counsel for defendant moved to dismiss the indictment upon the ground that the evidence was insufficient to show the commission of the crime. The motions were denied and exceptions were duly taken. These exceptions are urged as grounds for reversal. The learned counsel for the defendant contends that the language shown to have been used by the defendant did not *per se* constitute a threat to do an unlawful injury to the property of Essig, or instill fear in the mind of Essig that it would be carried into execution. We are of opinion that the evidence was sufficient to show all the material elements of the crime. The facts bring the case fairly within the doctrine of *People v. Barondess* (61 Hun, 571), wherein the Court of Appeals affirmed the conviction upon dissenting opinion of Justice Daniels at General Term (133 N. Y., 649), and within the case of *People v. Hughes* (137 N. Y., 29), which followed it. In the *Barondess* case the defendant was president of an association of cloak operatives. The complainant was an employer of cloak operatives who had quit work owing to a controversy over the rate of wages. As a result of negotiations, the workmen agreed to return, but failed to do so. The complainant inquired of the defendant the reason for this and was informed that it was because they had not settled with him, and he said to them: "You have got to pay me \$500 to have your people back again to work." There, as here, the defendant finally compromised by taking less than he had first demanded. In that case the defendant represented that he controlled the employees, and the complainant testified that he believed that the defend-

ant had power to keep the men from returning to work. It was there held that an injury to one's business is an injury to property within the provisions of the Penal Code defining the crime of extortion, and that a loss resulting from the suspension or interruption of business would constitute an injury to property. It is true that in the case at bar the defendant did not expressly represent that he controlled the striking employees and the complainant did not expressly testify that he believed that the defendant would keep the men from returning to work unless his demands were acceded to. The evidence, however, fairly warranted the jury in finding those facts. All known difficulties had been adjusted and there appears to have been no reason why the men did not return to work except the influence and control exercised over them by the defendant as president of their union. The moment his unlawful demand was complied with the men resumed work and there was no further trouble until the complainant failed to pay the last note; and the defendant admitted, according to the testimony of Essig, that such failure was the reason for the strike at that time. The complainant testified in substance that he believed the defendant's threat to prevent the resumption of work until his extortionate demand was complied with. The defendant had shown his authority as president of the union and over members by peremptorily refusing to give the complainant a hearing before the union, when one of the delegates, at least, knew that the complainant was anxious to resume work and desired such hearing, with a view to presenting his grievance to the members. From the standpoint of the complainant the facts fairly justified a belief on his part that unless he paid the money and gave the notes the men would not be permitted by the defendant to return to work and that the defendant had sufficient influence over them to carry out his threat. All grievances having been adjusted, the threat of the defendant in effect to exercise his influence and control over the members of the union to prevent their returning to work on this apartment building unless the money which he wrongfully exacted was paid, constituted a threat to do an unlawful injury to the property of the complainant calculated and sufficient to instill fear in the complainant and induce him to pay the money. There is no express evidence of the damages that would have been sustained by the complainant had he, instead of complying with the defendant's request, refused his unlawful demand and permitted the defendant to execute his threat. The amount of damages which he would have sustained is of no consequence. It is sufficient if it appears that he would have sustained damages. It would seem that the People might have readily shown more clearly that damages would have been sustained by Essig, but we think their failure to do so does not require a reversal. It is claimed that Essig's contract with the owners for the work, which was in writing, was not in fact what it purported to be, and that the owners were themselves to furnish the material and the complainant was merely to be paid for superintending the work. Upon either theory it is manifest that he would have sustained damages. It is not to be presumed that he would have been paid for superintending work while the work was not being done. We think it presumptively appeared that the complainant, in his business, either as contractor or superintendent of building construction work, would have sustained damages had the defendant carried his unlawful threat into execution.

The court ruled that it was immaterial whether the money which Essig delivered to the defendant was his own or that of the Johnson-Kahn Company, and ruled out evidence offered by the defendant tending to show that it belonged to the company. It may be that Essig was acting as agent of the owners in receiving the money which he subsequently delivered to the defendant, because it was originally received to pay the waiting time, but it was not material from what source it was received. The defendant wrongfully exacted money and the complainant was liable to suffer loss if he did not obtain it from some source and deliver it to the defendant. It is urged that the rulings on this subject constituted prejudicial error. According to the plain provisions of section 552 of the Penal Code, the rulings were correct. The material issue in that regard was not whose money was it, but did the defendant receive it from the complainant.

The appellant contends that it was error to receive evidence of the defendant's threat to call a strike on the building when the former contractor Rendall was doing the work. We are of opinion that the evidence was clearly competent upon the question of the intent of the defendant by the threat made to Essig to do an unlawful injury to his property. The defendant pleaded not guilty. It was essential for the People to prove every element of the crime and the intent of the defendant to do an unlawful injury to the complainant's property was one of the essential elements of the crime. His former acts in relation to this contract work characterized the threat and would tend to remove any doubt that the jurors might entertain as to his purpose of wrongfully inducing the men to remain out upon the strike without just cause. It is evident that he had determined to use his office as president of this union and his influence with the members to wrongfully exact a large amount of money, evidently based on a rough estimate made by himself of a percentage of the profits on the work as a condition of allowing the members of his union to be employed by *any* contractor or even by the owner in the completion of the work. It mattered not to him whether Rendall or Essig or some one else was the contractor. He had unlawful designs on the work and proceeded early in the history of the plumbing work to put his preconceived plan into execution. Since he threatened Johnson to call a strike on Rendall, unless his unlawful demand was satisfied, it was a reasonable inference in view of his threat to Essig that he wrongfully intended to refuse to permit the men to return to work until the like demand made upon Essig was satisfied. It is urged on the appeal that the defendant's threat to Essig was innocent and it was doubtless so argued before the jury. The fact that the defendant had recently claimed that he had sufficient influence with his union in effect to call a strike at will, because, although there may have been good ground under the rules of the union for a strike, *he assumed to be able to avert it provided he received the money which he wrongfully exacted*, tended strongly to show, in connection with other evidence, that in making the threat to Essig he intended to wrongfully exert his influence with the journeymen plumbers to induce them to refuse to return to work until he gave his consent or to wrongfully exercise his authority as president in withholding such consent. Doubtless the members of the union misjudged the defendant, for they appear to have placed implicit confidence in him and to have submitted blindly to his rule. Upon receiving the money

and notes the defendant promised, in effect, that the men should return to work; and it is evident that the order for their return emanated from him, for there is no other explanation consistent with the testimony of Essig, which the jury doubtless believed, of how they came to return to work. The evidence of the prior attempt therefore shed light on the motive and intent of the defendant in making the threat to Essig, and indicated a preconceived plan on his part to prevent the performance of this contract work unless he should without right or authority receive a large percentage of the profits to be arbitrarily and wrongfully exacted, and being closely connected in time and similarity of circumstances, it was competent both upon the question of motive and intent and as showing the successive steps in a preconceived plan which culminated in the crime for which the defendant has been convicted.

* * * * *

Notwithstanding the denial of guilt on the part of the defendant, we are convinced by an examination of the testimony that the facts and circumstances proved clearly established his guilt beyond a reasonable doubt. We have examined the other exceptions and find no error which demands a reversal of the conviction or requires extended consideration.

By section 542 of the Code of Criminal Procedure, the Legislature has commanded that "after hearing the appeal, the court must give judgment without regard to technical errors or defects or to exceptions which do not affect the substantial rights of the parties." That command should not be lost sight of in any criminal case, and particularly in the case of a crime like this, which is a special menace to the public welfare. All controversies between capital and labor resulting in a strike injuriously affect more or less the entire community. They are sufficiently disastrous and deplorable when they result from an honest difference of opinion between the employer and the employed; but when, as here, the strike is protracted long after all grievances have been adjusted, by an officer of a labor union who betrays his trust to the fellow members of his union and in effect deprives them of their right to work until he has unlawfully extorted money from their employer for his own ends, the crime is intolerable from any point of view and should be speedily and severely punished.

It follows that the judgment should be affirmed.

Right of a Suspended Member of a Trade Union to Seek Re-instatement Through the Courts.

Backman v. Harrington as President of Rochester Musicians' Protective Assn., Misc. 26-37.

As noted in the BULLETIN of June, 1906 (pages 206-210), the Court of Appeals in April of last year denied the right of the courts to grant a mandatory injunction requiring the Rochester Musicians' Protective Association to re-instate plaintiff as a member in good standing, on the ground that he had not exhausted his rights of appeal within the association. Subsequently he brought an action to have his expulsion declared null and void on the ground that some months after his offense the by-laws of the

association were amended and abolished the penalty under which he had been suspended, and on the further ground that no appeal was provided in the new by-laws. The Supreme Court, at the Monroe Special Term, in November, upheld these contentions and ordered his re-instatement. Justice Dunwell, after a detailed examination of the facts, in which he notes that although the new by-laws were adopted subsequent to the commission of the offense (undercutting the union scale of prices), they were in effect at the time of the trial, concludes as follows:

"The by-laws of 1905 were in force when plaintiff was tried and, so far as the procedure regulating the trial practice was concerned, they would properly govern the case. It is conceded that no appeal is provided for by the by-laws of 1905; consequently, no appeal could be taken within the association by the plaintiff for the correction of the conviction. His only resource lies in such an action as this.

"This action, therefore, is in the nature of a collateral attack upon the conviction. But such a decision may be brought in question collaterally if the court had no jurisdiction. The executive committee had jurisdiction of this class of cases, and of the person of the plaintiff; but, as has been shown, the by-law that was violated having been repealed, it was as if such by-law had never existed, and the penalties that had been incurred, incident to the repealed by-law, perished with it.

"Hence, at the time the charges were made and the trial took place, there was no offense in existence nor any punishment that had survived. Hence the committee was without authority or power over the charge. It was without jurisdiction.

* * * * *

"It will be seen from the authorities referred to that plaintiff's failure to object to the jurisdiction does not preclude him in this action.

"In *Whitney v. Thomas*, 23 N. Y. 281, it was held that, although assessors have the general power to assess all land in their district, yet they 'have no jurisdiction to assess except as the statute prescribes; and unless they pursue the directions of the statute, the assessment is unauthorized and void.' To the same effect is *People v. Sturtevant*, 9 N. Y. 263, and cases cited.

"The conclusion, then, is that plaintiff's conviction was unauthorized and a nullity; that the error was jurisdictional and may be corrected in this action; that plaintiff must be restored or recognized as a member of the association in all respects as if said conviction had not taken place; that plaintiff is entitled to a perpetual injunction enjoining and restraining the defendant from the commission of any acts against the plaintiff in any manner interfering with him inconsistent with his position as a member of the association in good standing.

"No damages were proved and none are allowed.

"Plaintiff did not, at the trial, raise the question upon which he has succeeded in this court. Had it been raised there, it might have obviated this litigation. Consequently, no costs are allowed."

Recovery of Wages Under an Unconditional Contract of Employment.

Aaron Magida, a cutter and designer, who was thrown out of work by the burning of defendant's factory, seeks to recover wages due him under an unconditional contract. The Municipal Court of New York City dismissed the case but the Second Appellate Division of the Supreme Court reversed this decision, it being held that under an unconditional contract of employment for a fixed period the employee is entitled to recover his stipulated wages, although the building in which the defendant placed him at work burned and the work was interrupted, if there was no provision that the labor was to be performed in that particular building.— *Magida v. Wiesen*, 114 App. Div. 866.

Employers' Liability.

Under this heading are recorded all decisions of court of records under the Employers' Liability Law of 1902 or the General Labor Law; also decisions under the common law handed down by the Court of Appeals, or by the Appellate Divisions of the Supreme Court when final. Other decisions under the common law are not reported here unless special circumstances make them of unusual interest.]

As compared with the employers' liability acts of England and Massachusetts, upon which the New York act of 1902 was based, the only noteworthy innovation attempted was the section (3) relating to the doctrine of assumption of risk. This section was construed in a unanimous decision rendered by the Appellate Division, First Department, October 19, 1906, reversing a judgment of \$6,250 in favor of plaintiff, the court holding that the doctrine was not eliminated by the act of 1902, which, however, did take the question of assumption of risk from the court and made it a question for the jury. Hence, when an employee has been injured by falling down the unguarded shaft of a hoisting elevator, used in the construction of a building, the absence of guards being obvious, it is error to refuse to submit to the jury the question as to whether the employee assumed the obvious risk.

The case had been before the court before, and the first decision, dealing with section 20 of the Labor Law, was summarized in the BULLETIN of March, 1906 (p. 82). The court now says, in part, that —

"prior to the passage of the Employers' Liability Act it was the law of the state that a servant assumed the obvious risks of his employment, and if it clearly appeared that the injury was the result of such obvious risk as matter of law he could not recover damages. In this state of the law the

legislature passed chapter 600 of the Laws of 1902, which is entitled 'An act to extend and regulate the liability of employers to make compensation for personal injuries suffered by employees.' Section 3 thereof provides that

'An employee by entering upon or continuing in the service of the employer shall be presumed to have assented to the necessary risks of the occupation or employment and no others. The necessary risks of the occupation or employment shall, in all cases arising after this act takes effect, be considered as including those risks, and those only, inherent in the nature of the business which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action maintained for the recovery of damages for personal injuries to an employee received after this act takes effect, owing to any cause for which the employer would otherwise be liable, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such employee, or after he had been informed of the danger of personal injury therefrom, shall not, as a matter of law, be considered as an assent by such employee to the existence or continuance of such risks of personal injury therefrom, or as negligence contributing to such injury. The question whether the employee understood and assumed the risk of such injury or was guilty of contributory negligence by his continuance in the same place and course of employment with knowledge of the risk of injury shall be one of fact, subject to the usual powers of the court in a proper case to set aside a verdict rendered contrary to the evidence.'

"It is quite apparent on careful reading of the act that the doctrine of the assumption of obvious risk has not been eliminated in an action by an employee against his employer, even if the negligence alleged be the failure to obey the strict provisions of the law as to furnishing of safeguards against injury to the employee. If that omission is obvious, the assumption of the risk is not assumed as matter of law entitling the employer to a direction by the court, but the question whether the employee understood and assumed the risk of such injury 'shall be one of fact,' and, of course, if one of fact, to be submitted to the jury. In other words, the doctrine of the assumption of obvious risks is still preserved, but the tribunal to pass upon the question whether they were assumed with knowledge and understanding is changed from the court to the jury. If the absence of the guardrail was the cause of the accident, the physical fact of its absence was as obvious to the employee as to the master or his superintendent. But the statute says the question whether the employee understood and assumed the risk caused by the failure to erect and keep the guardrail there must be submitted to the jury.

"This interpretation of the statute has the authority of the following cases: *Vaughn v. Glens Falls Cement Co.* (105 App. Div. 136); *Di Stefano v. Peekskill Lighting & R. R. Co.* (107 id. 294); *Wynkoop v. Ludlow Valve Manufacturing Co.* (112 id. 729), and *Reilly v. Troy Brick Co.* (184 N. Y. 399), where Judge Werner said:

"It is true that the plaintiff's intestate was there daily, and that his experience, even as an ordinary laborer, might have enabled him to anticipate the danger quite as thoroughly as his superior ought to have done, but whether he assumed that particular risk or was guilty of contributory negligence under the circumstances detailed were questions of fact for the arbitrament of a jury.*

"Therefore, it follows that the defendants, by the refusal of the learned court to submit to the jury the question of the assumption of obvious risk as a question of fact, were deprived of a substantial right."—*Kiernan v. Bidlits*, 115 App. Div. 144.

* BULLETIN, June, 1906, p. 231.

The Second Appellate Division in October, 1906, set aside an award of \$3,000 damages in a case brought under the Employers' Liability Act, it being held that freedom from contributory negligence on the part of plaintiff was not clearly proven. The head-note of the official reporter gives the following summary:

Where an employee is injured by falling from a poorly-lighted platform after dark while in the act of picking up some boxes which he had been directed to bring from the platform, he does not establish freedom from contributory negligence by evidence of care in proceeding along the platform toward the end on which the boxes were standing, when he fails to show any care on his part while picking up the boxes after discovering their location, where it appears he knew that the side and end of the platform were unprotected and had seen wagons unloading there during the day.

A contention that the accident was caused by the fact that the platform was cut away or rounded on the corner near which the boxes were standing is mere conjecture in the absence of proof that the employee fell at that point.—*Bauer v. Empire State Dairy Co.*, 115 App. Div. 71.

The Appellate Division, Second Department, again affirmed the rule that section 3 of the Employers' Liability Act does not relieve the plaintiff from proving freedom from contributory negligence. Plaintiff, while cutting rubber from a set of rolls which were in motion, was caught and his hand injured, for which injury a jury at the Westchester County Court awarded \$250 damages. In setting aside this verdict the court held that a servant, whose hand is injured while cutting away rubber which had caught between the rolls of a machine, cannot base a recovery for negligence on the failure of the master to furnish a clutch by which the rolls could have been stopped in time to prevent the injury where the servant understood the machine and the method of operation, and knew that the only way to stop it when there was rubber between the rolls was to shut off the power, for, with such knowledge, he assumed the risk of injury in attempting to fix the machine while in motion.—*Roche v. India Rubber, Etc., Co.*, 115 App. Div. 582.

ASSUMPTION OF RISK.—If a plaintiff has served a notice under the Employers' Liability Act he can not be non-suited on the ground that, with knowledge of the defendant's fault, he has by his conduct assumed the risk. A non-suit can only be granted upon two grounds: (1) That as a matter of law the defendant has not been guilty of negligence, or (2) that as a matter of law the plaintiff has been guilty of contributory negligence.

When a switchman jumps upon a moving car in order to loosen the brake, as was the custom and as it was his duty to do, and while in the act of climbing upon the car is struck and injured by the perpendicular rod of an old-fashioned switch extending at a greater height from the ground than is usual in better models of switches in common use, the question of the defendant's negligence in providing such a switch is for the jury, and a non-suit is error.

Nor is such switchman guilty of contributory negligence as a matter of law in failing to observe such switch rod when in running to jump upon the moving car he was looking to his footing to avoid stumbling over the rails and ties.

Although facts which may justify a finding by the jury that the plaintiff assumed the risk may also constitute contributory negligence as a matter of law, conversely the defense of assumed risk may also be available, although the court can not say that the plaintiff contributed to the injury as a matter of law.—*Kinney v. Rutland Railroad Co.*, 114 App. Div. 286.

ILLEGAL EMPLOYMENT OF CHILDREN — LIABILITY FOR NEGLIGENCE.

The question whether violation of section 70 of the Labor Law (prohibiting the employment, in factories, of children under the age of fourteen years) makes the employer liable for damages in case such a child sustains injuries in the course of his employment has several times been before the courts. Four years ago in the case of *Marino v. Lehmaier* (173 N. Y. 530; *LABOR BULLETIN*, March, 1903, p. 32) the Court of Appeals held that infraction of the law constituted "some evidence" of negligence, since the statute in effect declares that a child under that age presumably does not possess the judgment, discretion, care and caution necessary for the engagement in such a dangerous vocation, and therefore is not as a matter of law chargeable with contributory negligence or with having assumed the risks of the employment.*

The uncertainty inhering in the terms "some evidence" was discussed by Justice Gaynor in an opinion rendered in May, 1905 (*Lee v. Sterling Silk Mfg. Co.*, 47 Misc. 182; *BULLETIN*, December, 1905, p. 442), in which he sustained the ruling of the trial court, that by reason of the statute the questions of the plaintiff's contributory negligence and assumption of the risk of employment could not enter into the case. From his decision an appeal was taken which led to its reversal by a unanimous decision of the Second Appellate Division, in November, 1906, the

*See, however, later decisions of the Appellate Division in *Sitts v. Walontha* (94 App. Div. 38), and *Dragotto v. Plunkett* (113 App. Div. 648).

court holding that it was error to exclude evidence of negligence and contributory negligence; that while proof of violation of a statute is evidence of negligence, it is not always such conclusive evidence as to exclude proof tending to absolve the defendant. The opinion of Justice Jenks is, in part, as follows:

"The court left nothing to the jury save an assessment of the damages [the verdict was for \$2,000] and the appeal is by the defendant. * * *

"I am of the opinion that the learned court erred in excluding all testimony which bore upon the question of contributory negligence and in holding that as matter of law the question could not be in the case. The reason is that this action is subject to the rules of common law. (*Caswell v. Worth*, 5 El. & Bl. 849; approved and the doctrine reiterated in *Knisley v. Pratt*, 148 N. Y. 372.) Section 70 of the Labor Law does not in terms declare and regulate a statutory cause of action and, of course, does not in terms exclude the doctrine of contributory negligence. Some of the authorities which sustain my opinion that the doctrine of contributory negligence has place in such an action are *McRickard v. Flint* (114 N. Y. 222); *Freeman v. Glens Falls Paper Mill Co.* (70 Hun, 530; *affd.*, 142 N. Y. 639); *Queen v. Dayton Coal Co.* (95 Tenn. 458); *Kutchera v. Goodwillie* (93 Wis. 448). (See, too, *Thomp. Neg.* [2d ed.] § 5360.) And so in *Marino v. Lehmaier* (173 N. Y. 530), a case which involved this statute, the court say:

"And, to our minds, the statute, in effect, declares that a child under the age specified presumably does not possess the judgment, discretion, care and caution necessary for the engagement in such a dangerous avocation, and is, therefore, not, as a matter of law, chargeable with contributory negligence or with having assumed the risks of the employment in such occupation. * * * We, therefore, conclude that under the evidence and the principle of these authorities, at least, a question of fact was presented for the determination of the jury, and in case it should be found that the defendant was negligent and the plaintiff, under the circumstances, was not chargeable with contributory negligence, the defendant was civilly liable."

"I think this position taken by the learned trial court requires the reversal of the judgment.

"I think that under the rule in this state the fact that the employment of one of the servant's years was in violation of the statute did not establish conclusively the negligence of the defendant. The question was discussed in *Marino v. Lehmaier* (*supra*). If I do not mistake, the ground of difference is this: The majority of the court thought that but for a violation of the statute in the employment of the lad the injury could not have happened, and hence it was concluded that the jury 'should be permitted to consider the violation of the statute, in connection with the other facts, as evidence tending to show negligence on the part of defendant.' (See opinion of Parker, Ch. J., at pp. 538, 539.) The minority thought that the mere employment of the lad, although in violation of the Labor Law, was not any proof of actionable negligence. (See pp. 540 and 547.)

"If I read the decisions correctly, proof of the violation of a statute or ordinance is evidence of negligence. Under the circumstances of a case it may be sufficient evidence; it may be conclusive evidence, but it is not absolutely conclusive evidence in every case so as to exclude proof tending to absolve the defendant. (*Knupfle v. Knickerbocker Ice Co.*, 84 N. Y. 488;

McGrath v. N. Y. C. & H. R. R. Co., 63 N. Y. 522; McRickard v. Flint, *supra*; Donnelly v. City of Rochester, 166 N. Y. 315. See, too, Finnegan v. Winslow Skate Mfg. Co., 189 Mass. 580, and authorities cited.) The learned trial court criticises that expression of the rule that a violation of the statute is 'some evidence' of negligence. 'Some' may mean indefinite or indeterminate as opposed to definite or determinate. In other words, the violation is not determinate proof of negligence. The origin of the expression is probably in the language of the charge reviewed in Beisegel v. New York Central R. R. Co. (14 Abb. Pr. [N. S.] 29-34). It was repeated and adopted in Knapfle v. Knickerbocker Ice Co. (*supra*), and it has been frequently used. I find so accurate a writer as the present Chief Judge writes in Donnelly v. City of Rochester (*supra*): 'Though a violation of the ordinance is not negligence *per se*, it is some evidence of negligence' (p. 319).

"This rule has been the subject of criticism; e. g., Thompson on Negligence ([2d ed.] § 11); Labatt on Master and Servant (§ 799), while courts in other states have held that proof of violation is conclusive evidence. The quarrel with the rule sometimes rests upon the proposition that it clothes a jury with the dispensing power. This is the ground of Judge Thompson's criticism. (Thomp. Neg. [2d ed.] § 11.) But it is to be observed that e. g. this statute, section 70 of the Labor Law, does not declare liability in damages consequent upon its violation; does not specifically provide a statutory right of action and regulate it, so that the violator of the statute must perforce of the violation respond in damages. Nor does it declare that the violation should be conclusive evidence of negligence. It seems to me that the fact that the maxim *ubi jus ibi remedium* may authorize an action does not warrant the conclusion that liability in such an action as the one at bar is conclusively established by proof of the violation of the *jus*. Even if we thought otherwise, it is not for us to set up another rule. Recantation or substitution is the prerogative of the Court of Appeals alone.

"In the case under review I have shown that the plaintiff did not declare solely upon a violation of section 70 of the Labor Law; his proof was not confined to the proposition that the lad was under fourteen, employed in a factory and was injured while so employed. In other words, the proposition of liability did not rest upon the naked violation of the statute. I am of opinion that the judgment must be reversed and a new trial ordered, costs to abide the event."—*Lee v. Sterling Silk Mfg.*, 115 App. Div. 589.

SECTION 18 OF THE LABOR LAW.

This section, derived from a statute of 1885 known as the Life and Limb Law, imposes upon employers the duty of furnishing safe scaffolding for the use of workmen doing construction work. In a recent negligence case, the employer sued appealed from the judgment of the trial court, on the ground that the plaintiff's complaint failed to allege violation of the statute, but the Appellate Division, Second Department, unanimously affirmed judg-

ment November 16, 1906, in the following opinion by Justice Gaynor:

"The plaintiff was hurt by the fall of a scaffold erected by the defendant, his employer, for the plaintiff to work on. Counsel for the defendant argues that the complaint was insufficient to enable the plaintiff to recover for the furnishing of an unsafe scaffold, which section 18 of the Labor Law forbids, because it did not plead the said statute and allege a violation of it. It was not necessary to do so. The complaint alleged that the scaffold was of unsafe material and also unsafely constructed, and that sufficed. That the liability of the employer is created or enlarged by statute does not make the action a statutory one. The effect of the statute is to make the negligence of fellow-servants in the making of a scaffold that of the master, and thus enable the negligence of the master to be proved by evidence which formerly did not prove it. It is enough now as formerly for the complaint to allege the negligence of the master. The difference is that evidence which formerly did not prove his negligence now does (*Harris v. Baltimore Machine & Elevator Co.*, 112 App. Div. 389). The judgment should be affirmed."—*Riley v. McNulty*, 115 App. Div. 650.

A mason's helper was killed by the falling of an elevator which, at the direction of defendant, was being used as a scaffold. An action brought under section 18 of the Labor Law was dismissed, but the First Appellate Division in November, 1906, reversed this decision. The prevailing opinion, written by Justice O'Brien, is, in part, as follows:

"As the elevator could be set in motion from any one of the four floors of the building by simply pulling a rope, it was not, I think, a safe and proper scaffold within the contemplation of the above statute, even though it be admitted that it was in sound condition as an elevator and that, while at rest, it was suitable for the use to which it was put, because, unless the power were shut off, it was liable to be moved. Nor was the arrangement made by the defendant with the superintendent of the building for its exclusive use, to which defendant testified, but which it was established was not observed, a sufficient discharge of the duty imposed upon the defendant by the statute. It was unsuitable, as a scaffold, by reason of its mobility, and this was the immediate cause of the accident. It was not essential to the plaintiff's cause of action to show the cause of the sudden starting of the elevator; her case was established by showing that the scaffold, as such, was defective or improper and that the accident resulted therefrom."—*Croce v. Buckley*, 115 App. Div. 354.

DECISIONS UNDER THE COMMON LAW.

While employed in defendant's bookbindery, plaintiff was injured through an alleged defect in a press. Damages were

awarded by the trial court and the award was unanimously affirmed by the Appellate Division of the Supreme Court. The Court of Appeals, however, on January 8, 1907, unanimously reversed the decision. The official reporter summarizes the case as follows:

1. **NEGLIGENCE — LIABILITY OF MASTER FOR DEFECTIVE MACHINE.** Where in an action by an employee to recover damages for injuries received while using a machine, it appears that the accident resulted from a bolt dropping out of place by reason of the falling off of a nut; that this had happened on several prior occasions to the knowledge of the plaintiff; that the nut had been tightened on the morning of the accident; that the trial court charged that no recovery could stand against the defendant because he used a defective machine and that his only duty in respect thereto, so far as plaintiff was concerned, was to repair it, that is, to replace the bolt from time to time as it dropped out, it is reversible error to refuse to charge that before imposing any liability upon the defendant for failure to tighten the nut, the jury must find that the defendant had notice, or by reasonable care could have obtained knowledge that the nut had become loose again after being tightened in the morning.

2. **EVIDENCE — IMPEACHMENT OF WITNESS.** Statements alleged to have been made by a witness on several occasions after the accident, contradictory of his testimony on the trial, are improperly received in evidence where it appears that his attention had been called to these occasions in such a vague manner as to render it doubtful whether or not he understood which one of the occasions he was interrogated about, and hence no foundation was laid for their admission.

3. **EVIDENCE OF REPAIRS TO MACHINE AFTER ACCIDENT INCOMPETENT.** The reception of evidence that such witness had said after the accident "the press was now fixed all right" also constitutes error.

4. **EVIDENCE THAT WITNESS WAS NEARLY INJURED BY THE MACHINE WHICH INJURED PLAINTIFF INCOMPETENT.** The reception of evidence that such witness had said "that he came near losing both of his hands in the morning," is erroneous where such evidence was not limited to proof that he had been caught, or had said that he had been nearly caught by the machine under the same circumstances alleged to have prevailed when plaintiff met his accident.

5. **IMPROPRIETY OF REMARKS OF COUNSEL AS TO DEFENDANT'S INSURANCE AGAINST LIABILITY.** Remarks of counsel in summing up, to the effect that there was "no evidence that he (the defendant) was insured, most of these people are," and again, "many people get insured, but there is no evidence of any such thing in this case at all," duly objected to, were entirely improper.— *Loughlin v. Brassil*, 187 N. Y. Rep. 128.

The Second Appellate Division on July 24, 1906, unanimously reversed the judgment of the Kings County trial court granting a nonsuit in the under-mentioned case. The opinion, by Presiding Justice Hirschberg, is as follows:

This action is brought to recover damages for personal injuries alleged to have been sustained by the plaintiff while in the employ of the defendant.

The plaintiff was working at the time of his injury on a rip-saw machine, a circular saw which came up through a slit in the top of a flat table and revolved toward the plaintiff's hands. He was serving it with thin boards, and claims that his injury was received by reason of the fact that the saw had worn away the slit to such an extent as to render the operation of the machine dangerous. As he was non-suited, every reasonable inference is to be taken in his favor, and as no evidence was offered by or on behalf of the defendant, the facts as established by the plaintiff's evidence were uncontradicted. It was clearly proved that a couple of days before the day of his injury he became apprehensive that his fingers might get caught in the hole which had been worn away by the operation of the saw and the attrition of the sawdust, and that an accident might result; that the attention of the defendant's superintendent was called to the condition of the table; that the superintendent admitted that it required to be fixed, promised to have it fixed pretty soon, and instructed the plaintiff to continue work in the meantime. The plaintiff did continue work pursuant to such instruction and promise, and by the accident lost the fingers of the left hand.

I do not see how the non-suit can be upheld. In *Citrone v. O'Rourke Engineering Construction Co.* (113 App. Div. 518) this court recently held that where on the complaint of a servant as to the safety of the place where he was at work, the master told him to go to work and that after a certain time it would be repaired, the master assumed the risk of injury from the time of the promise until the expiration of the time specified. Following that decision it would be, in this case at least, a question for the jury whether it was negligence on the part of the plaintiff to continue work for a period of two days in reliance upon a promise to repair "pretty soon."

The non-suit in this case, however, was distinctly based upon a ground which is clearly untenable. In disposing of the defendant's motion to dismiss the complaint, the learned trial justice said: "There is nothing in the case to show that any one would apprehend danger from that machine in the condition it was in. I must grant this motion." It certainly can not be logically contended that a situation which, without dispute, did occasion fear of danger on the part of the plaintiff, which fear was admitted by the defendant's superintendent to be well grounded, and which admission was coupled with a promise to speedily remove the danger, is a situation which would not occasion apprehension to any one.

The judgment should be reversed.—*Tannhauser v. Uptegrove*, 114 App. Div. 765.

In the case of the death of an employee of the elevated railway company, brought about by the collision of a truck with the scaffold on which he was working, the trial court originally awarded damages to his administratrix. The Appellate Division set aside the judgment and ordered a new trial (*BULLETIN*, June, 1905, p. 208), which resulted in the dismissal of the complaint by direction of the court. On a second appeal the First Appellate Division in November, 1906, unanimously reversed this judgment and ordered a retrial, mainly on the ground that it should have been

left to the jury to say whether the master was negligent in not furnishing a watchman to give notice to vehicle drivers of the presence of the scaffold.—*Sheridan v. Interborough Rapid Transit Co.*, 115 App. Div. 282.

A machine oiler injured in the works of the New York Glucose Co. obtained a verdict of \$22,000 damages. This award was set aside, however, by the Second Appellate Division of the Supreme Court in July, 1906, and a new trial granted. Plaintiff was engaged in oiling shafting and was standing on a ladder, the foot of which rested on a two-rail tramway. A car pushed by three fellow-servants of plaintiff struck the ladder knocking him to the ground. These fellow-servants were foreigners unable to understand English and when called upon to stop they paid no heed. It was held, however, that it was not negligence to employ servants who could not understand English, for the master was not bound to anticipate an accident from such lack of knowledge of the English language and, moreover, the fellow-servants might have been equally negligent had they known the language.—*Date v. New York Glucose Co.*, 114 App. Div. 789.

SELF-EVIDENT RISK — DUTY OF EMPLOYER TO GIVE INSTRUCTIONS.—The plaintiff, employed for some time in running a buttonhole machine, after splicing the driving belt under the machine, was struck in the eye and injured by the end of the belt which broke after the repair. The plaintiff was familiar with the method of splicing the belt, and there was no special risk except the remote chance of being struck in the eye if the belt broke, which risk was apparent without instructions.

Held, that it was not incumbent on the master to give instructions as to such self-evident risk, and that a verdict founded on his negligence in that respect was unwarranted.—*Radley v. Shopiro*, 114 App. Div. 659.

RULES TO PROTECT REPAIR GANG ON RAILWAY TRACKS.—A recovery for an injury to a member of a repair gang on a railroad, who was struck by a "shunted" car while he was picking up coal from the tracks, can not be based upon a finding that the railroad company was negligent in failing to promulgate and enforce some rule to protect the repair gang from such an accident where no expert evidence is introduced in relation to the custom in other yards or the efficiency of any proposed rule, for, as the men of the gang were generally scattered over the yards, the necessity of such a rule is not so obvious as to make the matter one of common knowledge and experience.—*Kasesak v. Central Railroad Co. of N. J.*, 115 App. Div. 632.

LOOSE LEVER NOT UNSAFE MACHINERY.—An employee operating a printing press who is so startled by the noise caused by the "throw off" lever flying back and striking against another part of the machine, that he involuntarily thrusts his hand into the machinery, can not recover for the injury, although

he has warned the foreman a month before that the lever was loose, where it appears that the press was of a kind in common use and that the lever had never kicked back before; for, although the looseness of the lever may have impaired the efficiency of the machine, it did not render it unsafe, and the accident being the result of the nervousness of the servant, was of such a nature that it could not reasonably have been anticipated by the employer.—*Creswell v. United Shirt & Collar Co.*, 115 App. Div. 12.

SUPERINTENDENT A FELLOW-SERVANT.—A saleswoman can not recover for an injury from the fall of an elevator in a department store in which she was employed, although she was directed to enter the elevator by an assistant superintendent of the store when the elevator already held the number to which its capacity was limited, for the negligence of such superintendent was that of a fellow-servant.

The fact that the actual working hours were over and the saleswoman was going to the top floor to resume her street clothes, did not end the relation of master and servant and make the defendant liable as a carrier, for the dressing was incident to the employment and the time thereof was of the time of such employment.—*McDonald v. Simpson-Crawford Co.*, 114 App. Div. 859.

Where a conductor who has been injured while following a disabled car with the trolley rope in his hand testifies that the motorman shot the car ahead into the repair barn which was dark; that the rope twisted around his hand and that the trolley pole came off and, flying up, lifted him and carried him forward so that he fell into a pit between the tracks, a recovery can not be based upon the fact that the pit was a dangerous place, of the presence of which the conductor was not warned, for the conduct of the motorman, a fellow-servant, was the proximate cause of the accident. It can not be said that the company could have foreseen that in such a situation a motorman might so manage a car as to cause an accident of this character.—*Duefer v. Brooklyn Heights R. R. Co.*, 115 App. Div. 670.

HOURS OF LABOR OF WOMEN AND GIRLS IN FACTORIES.

The following special report of Deputy Factory Inspector Flanagan on the subject of the hours of labor of women in factories is of sufficient interest to deserve publication. It relates particularly to conditions in his inspection district in the Borough of Manhattan, New York City, which extends for varying distances on both sides of Broadway from Chambers street to Fourteenth street, and therefore includes the drygoods quarter. The phases of this subject which characterize the lowest grade of sweat-shops, more common on the East Side and farther west, are comparatively little touched upon, and dressmakers' establishments and workrooms for altering and finishing, conducted in connection with retail stores, in which excessive and compulsory overtime is most common and difficult to prevent, are almost unknown in his district, and therefore are not mentioned in his report. Consequently that report does not cover all phases of the subject.

To the Commissioner of Labor.

DEAR SIR: In compliance with your direction I submit herewith a brief statement of what I believe to be the most material facts relative to the hours of labor of women in the factories situated within the districts in which I have worked during the past two years.

In the majority of the factories where females are employed, the regular hours are from 53 to 56 per week, which permits them to work overtime from one to three nights a week, for a few hours per night, without exceeding the limitation of 60 hours per week imposed by the Labor Law.

In my opinion the hours of labor of females in factories tend to regulate themselves naturally; for when they are extended beyond the period which yields the largest proportionate return for the amount of time paid for, the employers suffer. The supply of females available for factory work has for some time past been far short of the demand. For this reason employers are more careful of their help, knowing that they can not be replaced if lost. Although the impression prevails that employers force their female employees to work overtime in order to avoid the necessity of procuring additional hands, the facts do not justify any such impression. I know that many employers are willing to pay bonuses for procuring extra female hands, and that in several instances they have offered to pay as high as \$5.00 per person for the kind of help they wanted. In these cases the help required was skilled or partly skilled, but the same conditions exist as to unskilled help, although in a lesser degree. Thus in the case of a factory on Reade street where the only work by females was to pack the meats of walnuts, figs, dates, etc., the proprietor after advertising without result, offered his employees \$1.00 for each

additional female they could bring to work. But this did not procure the help needed to fill his orders.

Save under certain exceptional conditions and especially in the higher grades of work an employer operates to his own disadvantage if he does not conform to the prevailing hours and wages. Some time ago the manager of a large blank-book plant wrote asking me for fresh blank forms for posting the hours of labor in his factory, and when I called at his place, told me that his company had for purely business reasons reduced the daily hours from nine and one-half to nine, because although figures would indicate that with the 120 persons then employed they ought to produce as much in a 9½ hour day as could be produced by 126 persons in a nine-hour day, yet the facts were that their best and most skilled workers would not remain in their employ, and that with the kind that were left the production was not as great as in plants employing the same number of persons and working only nine hours a day.

Overtime is costly, because some higher rate of wages must usually be paid for it, such as time and a half or double time pay to time workers, or ten percent additional to piece workers. Consequently articles made when overtime is worked cost more to produce but are sold for the same price as articles produced with regular hours. Therefore manufacturers try to avoid overtime or resort to it as seldom as possible. In one large factory in White street in which there are 300 employees, about one-half of whom are females, the proprietor explained to me that he would not work overtime because he had tested its value by keeping a record of the production of his plant for two weeks with overtime and for two weeks without, with the result that during the two weeks in which overtime was worked his factory had produced \$51.00 worth more of goods than had been produced in the two weeks without overtime, but this production had cost him \$850.00 more in wages without counting the additional expenses of light and power. As soon as he discovered this result he cancelled all orders that he could not fill without working overtime. The proprietors in many other factories have made similar statements, but could not give figures as their productions not being staple or being of too great a variety, the results could not be compared; but they gave it as their opinion that after overtime had been worked for a few nights their employees had become listless, and did not produce the quantity or quality which could be produced in the same number of hours when worked regularly.

But even where there is no overtime, employers often are unable to fix the worktime of their female employees within specified hours, as required by the Labor Law. In some lines of industry, such as umbrella factories, the employer can not get his female help to start work at any regular hour. The usual time set for starting is eight o'clock, but employers and employees unite in stating that very little work is done in the branches in which females are employed before 8:30 to 9 o'clock. And I myself have seen the women during the busy season come to work in these factories between 9 and 10 o'clock, the employers stating that they dare not rebuke them for tardiness for fear they would quit. In my opinion so great is the demand for female operatives in excess of the supply in this industry, that in many of these factories the women, who are piece workers, come and go absolutely at will.

In almost every line of manufacture in which articles are made to suit a

particular season or subject to the changes of fashions, there is habitually some overtime; but in the higher grades the regular hours for females are generally less than 60 per week, and thus there is some margin left for occasional or seasonal overtime without exceeding the 60-hour limit. The fur clothing manufacturers have from four to six months with little or no work, and from four to six months at full capacity. Overtime with them is largely due to the fact that the skins are costly and if made up into stock during the slack season might not suit the demand, and would consequently be lost. The cloak and suit trade has two rush seasons, Spring and Fall, which last from six to eight months each year. The rest of the time is slack. The slack seasons are due to the fact that patterns or fashions are not yet determined, and therefore goods can not be made up into stock in advance. Some factories in this trade are operated only during regular hours, but permit many of their employees to take work home with them, thus creating a condition which is about as bad as overtime, and much harder to regulate.

In the artificial flower industry, the season is very short, starting about January and lasting until April. While the articles produced each year would appear to be much the same, yet in fact they differ to such an extent that no manufacturer can make stock until he knows what particular kinds of flowers will be in demand. When the orders do come in, the time is generally so short that he must work overtime to fill them.

In the candy trade there is much overtime in the Fall and early Winter every year, and more particularly in those factories which make a high grade of product, which I understand is perishable and if manufactured in advance would deteriorate.

Female help can be divided into two general classes, native and foreign born. Native born women when employed in factories are usually found producing the best finished articles, receiving the highest pay, and work regular hours of from eight and one-half to nine per day. Foreign born women are generally employed in factories producing the cheaper grade of articles, get less pay, and work from nine to ten hours per day. There is therefore little margin for overtime without exceeding the legal limit. Both employers and employees in factories where foreign born help predominate care little for regular hours, work overtime frequently, and generally unite in opposition to and in the evasion of any law which restricts their hours of labor. In the majority of factories where I found overtime being worked by females to any excess, I found that they were all or nearly all foreign born.

The provision of the Labor Law prohibiting work in excess of ten hours a day, "except to make a shorter day on the last day of the week," is generally disregarded, especially in those factories in which the eight and nine-hour day prevail. For these factories do not change their regular hours in emergencies, but instead work two or three hours additional on two or three evenings a week, and on each of such long days work to exceed ten hours, without in return shortening the last day of the week. And in some industries when one day is shortened it is not the last day of the week but some other day. The practice of continuing the regular work-day and bunching the overtime in a few days is preferred by employees and in my judgment is preferable to lengthening the regular day. It is, however, unlawful. But in conformity with your orders I have temporarily ignored this point in order to concentrate my efforts upon enforcing the sixty-hour a week rule.

In the enforcement of this rule the plan of detecting its violation by patroling for night work is, in my district, in my opinion, generally unsatisfactory, on account of the fact that a very large percentage of the factories are in lofts of tall buildings. The indication of work which is sought for is the appearance of light in the windows. Where it is noticed, entrance into the building is often difficult, and, that being gained, it may require a climb of as many as eight or nine stories to make an investigation. The result is generally to find only a book-keeper or one or two more employees finishing some rag ends of work. Only a few such inspections can be made in an evening, and after many evenings of such work I have not yet found in that way a single material violation of the law.

I am satisfied from many indications that in the class of factories which prevail in my district, overtime (either legal or illegal) is resorted to much less frequently than is generally supposed and than was formerly the custom, although the industrial pressure for long hours is stronger than ever.

Respectfully submitted,

(Signed) M. J. FLANAGAN,
Deputy Factory Inspector.

WAGES OF STRAW-BRAID SEWERS.

The scarcity of labor mentioned in the inspector's report pertains more particularly to skilled work, where high wages and bonuses have been inadequate to secure a sufficient number of workers. The supply of unskilled workers in the immense clothing trade of the East Side has apparently been ample enough to meet the needs of employers, for wages have risen but slightly in the industry as a whole. It does not, therefore, need to be emphasized that the following figures, copied from the pay-roll of a straw-hat manufacturer in the center of the city, near Broadway, are not typical of the earnings of the average seamstress:

	Week ending Jan. 14, 1907.	Week ending Jan. 21, 1907.
W.	\$19.62	\$14.76
H. T.	33.12	36.84
T. S.	16.30	11.20
B. R.	23.28	23.76
S. R.	33.40	25.92
H. R.	21.00	29.30
R. K.	29.16	36.90
R. K.	34.35	36.24
J.	10.50	11.40
K. H.	23.76	21.60
H.	22.83	22.22
Mrs. G.	16.00	18.80
L. G.	24.48	25.81
Mrs. F.	20.60	23.96
D.	17.00	26.00

	Week ending Jan. 14, 1907.	Week ending Jan. 21, 1907.
C.	20.50	20.50
S. B.	14.00	18.80
C. A.	22.80	28.00
H.	30.00	30.00

H. is employed steadily at \$30 per week.

B. R., No. 4 on list, is a religious Jewess and works only 5 days per week.

Mrs. G. is a married woman with a sick husband and has three small children who go to school. She does not appear for work earlier than 10:30 A. M. each day, explaining that she cannot get to work until children are sent to school.

Hour for starting work is supposed to be 8 A. M.; time recorded runs from 8:30 to 10:30 A. M., and with overtime three nights per week no one female works more than 56 hours per week.

The firm quoted states that their active season for straw sewers is now fully eight months a year; other firms report a season of three and one-half to six months. The inspector's opinion as to the duration of employment in the straw-hat trade is as follows:

"My estimate, based on various statements of persons engaged in manufacturing ladies' and children's straw hats, is that about 2,000 females are employed at the occupation (in the lower portion of Manhattan Borough) during the busiest part of the season, which is from January 15 to May 15. Fifteen percent of these persons find work at straw sewing all the year and earn \$35 per week, \$18 per week and \$12 per week for each four months in the year. Sixty percent work at straw sewing for four months at \$20 per week and assist at trimming felt hats for another four months at \$12 per week and have to find some employment outside of the hat trade for four months, but would be estimated to be employed at from \$6 to \$8 per week at tucking or hemming. Twenty-five percent are married women who find it profitable to give all or part of their time during the four busy months and earn about \$22 per week for four months, returning to home duties until next spring.

"I call to your attention an advertisement appearing in the *New York World* of January 30, asking for straw sewers who are capable of earning \$30 to \$35 per week. Their [the employers'] arguments are that if one operator can make \$25 to \$36 per week she is more valuable, because with the space and power of one machine she can produce so much more work for her employer."

Proposed Changes in the Law Restricting the Hours of Labor of Women and Children Employed in Factories.

The report of the Commissioner of Labor, transmitted to the Legislature on the second day of January, contains (page 62) the draft of a bill amending sections 77 and 78 of the Labor Law and designed to make the law more enforceable, as explained in the text of the report. The bill, as elaborated and introduced in the Assembly January 10th (Prentice bill, No. 79), contains some additions (subdivisions 5 and 6 of section 77, and subdivisions 2 and 3 of section 78) and is, therefore, reprinted below:

STATE OF NEW YORK.

No. 79.

Int. 79.

IN ASSEMBLY,

January 10, 1907.

Introduced by Mr. PRENTICE—read once and referred to the Committee on Labor and Industries.

AN ACT

To amend the labor law relative to hours of labor of children, minors and women.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections seventy-seven and seventy-eight of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine and chapter one hundred and eighty-four of the laws of nineteen hundred and three, are hereby amended to read as follows:

§ 77. Hours of labor of children, minors and women. *Subd. 1.* No child [minor] under the age of sixteen years shall be employed [.] or permitted [or suffered] to work in or in connection with any factory in this state before six o'clock in the morning, or after seven o'clock in the evening of any day, or for more than eight [nine] hours in any one day, or more than six days in any one week.

Subd. 2. No male minor under the age of eighteen years [.] shall be employed or permitted to work in any factory in this state more than six days in any one week, or for more than sixty hours in any one week. [and no]

Subd. 3. No female minor under the age of twenty-one years and no woman shall be employed [.] or permitted [or suffered] to work in any factory in this state before six o'clock in the morning or after nine o'clock in the evening of any day, or more than six days or fifty-eight hours in any one week, or for more than ten hours in any one day, except as hereafter provided. [to make a shorter day on the last day of the week; or for more than sixty hours in any one week, or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked.]

Subd. 4. A printed notice, in a form which shall be prescribed and furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered to work in such factory except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons [at work] in a factory at any other hours than those stated in the printed notice, or if no such notice be posted, before seven o'clock in the morning or after six o'clock in the evening, shall constitute prima facie evidence of a violation of this section [of the law].

Subd. 5. In a factory wherein, owing to the nature of the work, it is practically impossible to fix the hours of labor weekly in advance the commissioner of labor, upon a proper application stating facts showing the necessity therefor, shall grant a permit dispensing with the notice heretofore required, upon condition that a time book in a form to be approved by him, giving the names and addresses of all female employees and the hours worked by each of them in each day, shall be properly and correctly kept, and shall be exhibited to him or any of his subordinates promptly upon demand. Such permit shall be kept posted in such place in such factory as such commissioner may prescribe, and may be revoked by such commissioner at any time for failure to post it or to keep or exhibit such time book as herein provided.

Subd. 6. Where a female is employed in several factories or mercantile establishments in the same day or week the total time of employment must not exceed that allowed per day or week in a single factory or mercantile establishment; and any person who shall require or permit a female to work in a factory between the hours of six o'clock in the evening and seven o'clock in the morning in violation of the provisions of this subdivision of this section, with or without knowledge of the previous or other employment, shall be liable for a violation thereof.

§ 78. Subdivision 1. Overtime by females; exceptions.—A female eighteen years of age or upwards may be employed in a factory more than ten hours a day;—(a) regularly in not to exceed five days a week, in order to make a short day or a holiday on one of the six working days

of the week; (b) irregularly in not to exceed three days a week, as overtime after a regular eight or nine hour workday; provided that no such female shall be required or permitted to work more than fifty-eight hours in any one week or twelve hours in any one day, and that the provisions of the preceding section as to notice or time book be fully complied with.

[Change of hours of labor of minors and women.—When in order to make a shorter work day on the last day of the week, a minor over sixteen and under eighteen years of age, or a female sixteen years of age or upwards, is to be required or permitted to work in a factory more than ten hours in a day, the employer of such persons shall notify the commissioner of labor in writing, of such intention, stating the number of hours of labor per day, which it is proposed to require or permit, and the time when it is proposed to cease such requirement or permission; a similar notification shall be made when such requirement or permission has actually ceased. A record of the names of the employees thus required or permitted to work overtime, with the amount of such overtime, and the days upon which such work was performed, shall be kept in the office of such factory, and produced upon the demand of the commissioner of labor.]

Subd. 2. Females eighteen years of age or upwards, regularly employed in a factory in the manufacture of perishable seasonal products or of products from perishable seasonal materials, may be permitted to work sixty-six hours a week in not more than six weeks in a year but not to exceed twelve hours in any one day, provided however that a permit therefor shall first be obtained from the commissioner of labor and shall be kept posted in such place in such factory as the said commissioner may prescribe. Such permit shall be issued only upon a written application stating facts showing proper grounds therefor, and shall specify the weeks for which it is granted; but no such permit shall be issued for a factory unless it is clean, well lighted, heated and ventilated, and is free from deleterious dust or gases, and unless all lawful orders of the commissioner of labor relative to such factory have been complied with. The commissioner of labor may revoke such permit at any time for a violation of any provision of this chapter.

Subd. 3. In a prosecution for a violation of any provision of this or of the preceding section the burden of proving a permit or exception shall be upon the party claiming it.

§ 2. This act shall take effect October first, nineteen hundred and seven.

Opposition to the bill concentrated particularly on the provisions permitting overtime in certain cases, especially subdivision 2 of section 78, which allows a schedule of 66 hours a week for six weeks each year in canning factories, confectionery establishments and other manufacturing concerns whose product is made from perishable, seasonal materials. In reply to criticism of the bill, Commissioner Sherman made the following statement in explanation of the various changes:

"In recent editorials in the public press there have appeared some criticisms upon Assemblyman Prentice's bill, now pending in the Legislature, to amend sections 77 and 78 of the Labor Law, which limit the hours of labor of women and minors in factories. That bill was drawn by me, with the advice and based upon the experience of the factory inspectors, and after a careful study of the laws of other states and countries. Excepting so much of it as relates to children, the object of every one of its provisions is to render more generally and thoroughly enforceable the limitations upon the working time of women; and it has been publicly admitted by its critics that it will have that effect. The present law limits their working hours to 60 a week, to ten a day, 'except to make a shorter workday on the last day of the week,' and to not more than an average of ten a day for the whole number of days worked per week.

"The proposed amendments allow a workday in excess of ten hours under several more conditions, and wipe out the provision as to the average day, but limit the workday to 12 hours without exception, and the week to 58

hours, save in the manufacture of certain perishable articles, where 66 hours are permitted for short periods. The principal opposition, which emanates from the representatives of certain philanthropic and charitable organizations, seems to be based upon a feeling that the proposed amendments abandon or lower an established principle or standard, i. e., a ten-hour workday—a standard merely declared in the law and never yet lived up to nor successfully enforced. It seems to me that they wrongly prefer form to substance and mistake the proper functions of penal laws. Every such law should be aimed to prevent or correct an evil, and is good only so far as it actually accomplishes or is fitted to aid in the accomplishment of such a result. Judged by this test the present law is radically defective, and the proposed amendments would be a great improvement.

"Neither is there any real principle involved in the ten-hour day. An ideal workday would be of eight hours. A more nearly attainable ideal is the regular nine-hour day toward which the majority of New York factories in which women are employed are naturally tending, but with frequent relapses during rush seasons into periods of excessive 'overtime.' The present law, if enforceable and enforced, would check that desirable tendency; while the proposed amendments are designed to encourage it, but to limit effectively the overtime and to reduce the regular hours of work per week. I therefore can see in those amendments no sacrifice of any principle nor lowering of any standard.

"It is objected that the Massachusetts law, which limits the working hours of women in factories to 58 hours a week, without exception, and to ten a day, except to make a shorter day on one day in the week, and except to make up for time lost by stoppage of machinery, is enforceable and enforced. With some exceptions and qualifications that is true. But it is not a strong objection, for the Prentice bill would amend our law to approach more nearly to that of Massachusetts; and there are two circumstances that make proper some differences that would still remain. One is the difference in the conditions of industry in the two states. In Massachusetts large mills predominate. They are easily watched and regulated and in them the natural tendency is to regular but long hours. Industries in New York are much more varied, and conditions and practises vary yet more. Small workshops, with somewhat irresponsible proprietors, and others run in connection with mercantile establishments, both difficult to watch and regulate, are infinitely more common. And in many industries in New York the tendency is not to regular long hours, but to regular short hours, with irregular and varying rush season when the pressure to work long hours becomes intense. In the second place, in Massachusetts the law as to mercantile establishments and factories is the same, while in New York it is entirely different, for there are no limitations upon the hours of adult females in mercantile establishments and none as to minors over sixteen during the Christmas rush season or on Saturdays. This difference between the factory and the mercantile laws makes the task of the factory inspectors here a hundred fold more difficult. Therefore I am convinced that the Massachusetts rule as to factories would be practically unenforceable in New York by any possibly obtainable number of inspectors and prosecuting officers. The English law is equally good, but again different because adapted to conditions in England. We will, therefore, not be departing from any uniform and accepted standard if we frame our law with some regard to our own peculiar conditions.

"The most earnest objection to the bill is to that provision which would allow eight hours a week overtime in excess of a fifty-eight-hour week (but not to exceed two hours a day) for six weeks a year, where seasonal and perishable articles are used or manufactured. The provision is adopted in restricted terms from the English law, which allows two hours a day overtime (in not to exceed three days a week) in 50 days a year, under three conditions: 1. Where materials are liable to be spoiled by weather. 2. Where there is press of work in certain seasons, and 3, where there is sudden press of orders from unforeseen causes. The Prentice bill allows the overtime only where the first two conditions are combined. The universal practice of mankind recognizes the necessity and reasonableness of haste and overtime work in dealing with perishable articles (the international labor treaty, recently signed at Berne, allows overtime in 'industries affected by seasons'), and no law which allows no excess over the regular hours for that purpose has ever been lived up to or successfully enforced. Under the present law the sixty-hour limit is easily and frequently evaded both legally and illegally, and if the Prentice bill make the law enforceable it will in fact reduce the working-time even when and where 66 hours are allowed.

"That bill is not meant to be an abstract rule of morals or of hygiene, but a practical measure of coercive legislation, aimed at and fitted to meet actual conditions and practices. It is not supposed to be perfect or final, but I believe that in all the industries in which excessive hours have come to the attention of our factory inspectors, it would enable them to reduce those hours and to prevent a large measure of the evils that result from them. It is proper that the question, whether the bill be or be not so framed as to possess the practical merits claimed for it, should be subjected to and determined by the criticisms and judgment of lawyers and inspectors familiar with or informed of the industrial conditions in this state. But it is not reasonable for doctors, economists and charity workers to seek to dictate the exact terms of such remedial legislation. They may be and doubtless are more familiar with the evils that women incur from excessive labor in factories, and the judgment of the medical profession should determine what are desirable limitations; but the manner and means of actually limiting labor is a problem of law and inspection as to which the judgment of lawyers and inspectors is superior.

"In no particular, at no time and in no industry is it designed by this bill to lengthen the hours of labor. The contrary is true in every case.

"In drafting the amendments in the Prentice bill to the law relating to the hours of children and male minors, other questions besides enforceability were equally considered. That bill reduces the hours of labor permitted for children in factories from nine to eight a day. Page Senate bill No. 10, now before the same committee of the Assembly as the Prentice Assembly bill, not only makes that reduction in time, but also restricts the hours to those between 8 A. M. and 5 P. M. That change would make the eight-hour rule more easily and thoroughly enforceable, and so far is desirable; but it would also cause the discharge of all children in all factories where they interlock with adults and in which the working hours begin at 7 A. M. or continue until 6 P. M., whether they be eight-hour factories or not. That would mean that boys can not begin to work in a large percentage of the best factories until they are sixteen, even if they have finished their schooling and be physically fit for the work. There is grave doubt about the wisdom of such an arbitrary regulation. The objects

of the child labor laws are to secure education for and to protect the health of children; but this rule is not logically necessary or conducive to either purpose, unless perhaps it be an administrative regulation necessary to enforce the limitation upon the number of hours. It may be so necessary; but that fact has not yet been demonstrated. The propriety of enacting the provisions of the Page bill is therefore a point which should properly be decided by the judgment of the Legislature, unmoved by sentiment. Even the Prentice bill goes doubtfully far on this point in the direction of unnecessarily arbitrary regulation. To be personal, I admit that I have myself gone yet farther, in some published opinions, in the same direction. I then had in mind the condition of girls and of children in sweatshops. But as to well developed boys of fifteen and thereabouts employed in factories proper, I now realize the need of more reasonable rules, lest we make the fatal mistake of driving them for life out of mechanical occupations.

"Another provision of the Prentice bill relaxes the limitations upon the hours of labor of male minors between the ages of sixteen and eighteen. At present they are forbidden to work in factories after 9 P. M. or before 6 A. M. This provision works unqualified harm, for it practically postpones the age at which such minors can begin to learn certain trades or be employed in various proper occupations until they become eighteen. The majority of bakers work only in the night, and brickmakers start at 4 and 4:30 A. M. in Summer. And in all those day occupations in which work is occasionally continued into the evenings after 9 o'clock, this law causes the discharge of all such minors wherever they are discovered by the inspectors. It is idle to believe that these young men when turned out of work return to school, or that they stay in their homes after 9 P. M., where they procure other employment which does not require evening work. But only too often they lose their means of livelihood and of learning a trade, and take to the streets permanently instead. It is the experience of the factory inspectors that the enforcement of this law has almost invariably worked hardship and done wrong. At the very best the net benefit is doubtful. It therefore seems obvious that while so much undoubtedly good work remains to be done, no effort should be wasted over such a dubious provision. The subdivision of the Prentice bill relating to this subject does go too far in permitting the employment of such minors in all-night shifts and accidentally omits the rule of the present law, which prohibits more than ten hours' work a day. It will doubtless be amended to correct these errors. But I sincerely hope that it will pass in such a form as to permit boys of sixteen and seventeen to work until much later in the evenings and after 4 A. M."

Foreign Legislation.

The international treaty of 1906 regulating the night work of women, which was published in the December BULLETIN, was the first international labor convention; but noteworthy practical results followed the International Conference on Labor held in Berlin in 1890, although no conventions were drawn up at that time. The British House of Commons recently caused a return

SUMMARY OF REPORTS SHOWING HOW FAR RECOMMENDATIONS OF THE

	AUSTRIA.	BELGIUM.
I. REGULATIONS CONCERNING WORK IN MINES.		
1. (a) Minimum age for employment of children underground to be raised to 14 years—in southern countries it may be 12 years.	Adopted*.....	Not adopted..... Minimum age, 12.....
1. (b) Prohibition of employment of women underground.	Adopted*.....	Adopted as regards females under 21.*
III. REGULATION OF CHILD LABOR.		
1. Children under minimum age to be excluded from work in factories.	Adopted. Minimum age, 14.*	Adopted*.....
2. Minimum age to be fixed at 12 years—in southern countries it may be 10 years.		
3. Minimum age limit to apply to every factory without exception.		
4. Children must satisfy provisions concerning primary education before being employed.	Adopted*.....	No provision in Belgium law concerning primary education.
5. Children under 14 not to work at night nor on Sundays.	Adopted except as to certain necessary Sunday labor.	Adopted except as to certain industries which cannot suffer interruption.*
6. Actual working hours for children under 14 not to exceed 6, broken by a rest of half an hour or more.	Not adopted.....	Adopted but period of rest must be not less than $\frac{1}{2}$ hour.
7. Children to be excluded from unhealthy or dangerous occupations or admitted only under protective conditions.	Adopted*.....	Adopted.....
IV. REGULATIONS CONCERNING THE LABOR OF THE YOUNG.		
1. Persons aged 14 to 16 not to work at night nor on Sundays.	Adopted.....	Adopted*.....
2. Actual working hours of such persons not to exceed 10 hours, broken by rests amounting to at least $1\frac{1}{2}$ hours.	Not adopted.....	Not adopted.....
3. Exceptions to be admitted for certain industries	Adopted*.....	Adopted*.....
4. Employment in unhealthy and dangerous occupations to be subject to restrictions.	Adopted*.....	Adopted.....
5. Young men aged 16 to 18 to be protected as regards— (a) Maximum day's labor (b) Night work (c) Sunday work (d) Employment in dangerous or unhealthy occupations.	Adopted as regards (a) and (c)*.	Not adopted.....
V. REGULATIONS CONCERNING FEMALE LABOR.		
1. (a) Females from 16 to 21 not to work at night.	Adopted.....	Adopted..... Not adopted.....
1. (b) Women over 21 not to work at night.....		
2. Actual working hours of females not to exceed 11 hours, broken by rests amounting to $1\frac{1}{2}$ hours at least.	Adopted*.....	Not adopted.....
3. Exceptions may be allowed for certain industries		
4. Employment in unhealthy or dangerous occupations to be subject to restrictions.	Adopted.....	Adopted*..... Adopted.....
5. Women not to be admitted to work for four weeks after child-birth.	Adopted*.....	Adopted*.....

* Adopted before the date of the Conference.

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BERLIN LABOR CONFERENCE HAVE BEEN CARRIED INTO EFFECT.

FRANCE.	GERMANY.	GREAT BRITAIN AND IRELAND.	ITALY.
Not adopted.....	Not adopted.....	Not adopted.....	Adopted as regards under-
Minimum age, 13.....	Minimum age, 13.....	Minimum age, 13.....	ground workings without
Adopted.....	Adopted.....	Adopted*.....	mechanical traction.
			Adopted.
	Adopted but mini- mum age fixed at 13, except in certain cases, when it may be 12.	Adopted.....	
Adopted.....	Adopted.....	Adopted*.....	Adopted. The minimum age 12.
Adopted except the weekly rest need not be Sunday.	Adopted.....	Adopted*.....	Adopted except that weekly rest need not be on Sunday.
Not adopted.....	Not adopted.....	Not adopted.....	Not adopted. Children between 12 and 15 may work 11 hours with rest equal to 2 hours.
Adopted.....	Adopted.....	Adopted*.....	Adopted.
Adopted except that weekly rest need not be Sunday.	Adopted.....	Adopted*.....	Not adopted.
Not adopted.....	Adopted.....	Not adopted.....	For those under 15, maximum is 11 hours with rest of $1\frac{1}{2}$ hours.
Adopted.....	Adopted.....	Adopted*.....	Adopted.
Adopted.....	Adopted.....	Adopted*.....	Not adopted.
Adopted except that weekly rest need not be Sunday.	Adopted.....	Adopted*.....	Not adopted.
Adopted.....	Adopted.....	Adopted*.....	
Adopted.....	Adopted.....	Adopted*.....	
Working hours limited to 10, with rests amounting to 1 hour.	Not adopted.....	Adopted*.....	Adopted except as regards girls at work before June, 1902.
Adopted.....	Adopted.....	Adopted*.....	Not adopted.
Adopted.....	Adopted.....	Adopted*.....	Adopted as regards girls under 21.
Legislation in progress.	Adopted.....	Adopted.....	Adopted period may be re- duced to 3 weeks on medical certificate.

to be prepared showing the degree to which certain of the resolutions of the Berlin Conference are now carried out in each of the countries represented, and this document (ordered to be printed August 3, 1905) affords a convenient survey of the principal regulations now enforced abroad concerning the employment of women and children. Pages —, — contain in tabular form a summary of the reports for the leading six countries of Europe. Since the reports were prepared, early in 1905, some countries have strengthened their regulations.

It may be added that Russia, which was not represented at the Berlin Conference, has lately made considerable progress in labor legislation. In November last the Council of Ministers decreed a ten-hour work-day for all factory operatives. According to this decree the work-day in factories is limited to twelve hours, with a two-hour intermission for dinner. In factories where continuous operation is important, the change will bring in an eight-hour schedule of work, with three shifts in each twenty-four-hour day. The normal work-day of clerks and salesmen is limited to twelve hours, but two hours may be added forty days a year, which are named by special decree. The enforcement of the law is intrusted to local inspectors, rural and municipal councils and the police. Violations are punishable either by one month's imprisonment or a fine of fifty dollars.—(*Bulletin de l'Office du Travail*, Dec., 1906.)

CHILDREN WORKING IN NEW YORK CITY TENEMENTS.

For the purpose of satisfying the general public interests in the subject of home work in tenements in New York City, the following analyses of inspections by the factory inspectors during the past few months are published.

Table No. I is an analysis of the results of regular inspections of licensed tenements in accordance with section 100 of the Labor Law during the month ended February 17. The houses referred to are distributed throughout all parts of New York City.

TABLE I.—REGULAR INSPECTIONS OF LICENSED TENEMENTS, NEW YORK CITY, MONTH ENDING FEBRUARY 17, 1907.

Total number of houses inspected.....	569
Number in which work was found.....	(454)
Number in which no work was found.....	(115)
Number of apartments in which work was found.....	1,076
Number of which were living apartments.....	(964)
Number of which were shops.....	(112)
Number of workers found.....	1,654
Number in living apartments.....	(1,189)
Number in shops.....	(465)
Average number of workers in each living apartment used for working.....	1½
Number of houses against which orders were issued.....	59
Number of orders issued against those houses.....	76
Number of cases of contagious disease found.....	1
Number of children of school age found at work.....	0

The absence of any children found at work on the regular inspections of licensed tenements, as shown in the foregoing table, is unusual, but the number is never large. That is due in part to the fact that a large proportion of the tenements inspected monthly contain the homes of skilled workers among whom child labor is almost unknown; partly to the fact that the regular inspections are made during school hours, and partly to the fact that while upon such duty the inspectors are not in position to devote the greatest attention to detecting children at work.

Therefore, in order to obtain an approximate measure of the amount of child labor in those tenements in which it is most frequent, a special investigation on that subject only and out of school hours is being made of the licensed tenement-houses on Elizabeth, Mott, Mulberry, Baxter, Sullivan, Thompson and Macdougall streets in New York City. These buildings are practically home annexes to nearby shops, and in them the poorer Italian

population do the bulk of the home finishing and artificial flower work. The results of that investigation to date are shown in Tables II and III.

TABLE II.—CHILDREN FOUND AT WORK IN TENEMENTS ON ELIZABETH, MOTT, MULBERRY AND BAXTER STREETS.

AGES.....	5	6	7	8	9	10	11	12	13	14	Totals.
Number working†.....	1	4	9	10	13	17	14	21	20	10	119*
Number of boys.....	3	2	1	2	4	3	6	5	1		27
Number of girls.....	1	1	7	9	11	13	11	15	15	9	92
Number attend school.....			8	9	10	16	12	16	16	7	94
Number do not attend school.....	1	4	1	1	3	1	2	5	4	3	25
Number found in daytime.....		2	4	4	7	8	6	7	7	5	50
Number found in evening.....	1	2	3	4	5	4	6	9	7	3	44
Number found at hours not recorded.....			2	2	1	5	2	5	6	2	25
Number "finishing" garments.....	1	2	4	7	11	14	9	15	13	8	84
Number making artificial flowers.....			1	1		1	2	1	2		8
Number sewing buttons.....		2	1	2	2	2	3	4	4	1	21
Number pulling bastings.....			3								3
Number making cigars.....								1	1	1	3

Number of houses, 241.

Number of apartments (estimated), 3,600.

Number of adult home workers in them—unascertainable.

Number of families in which two children work, 20.

Number of families in which three or more work, 0.

Latest hour at which child was found at work, 9:05 P. M.

On this table the inspector makes the following comments: It was principally in the very poor tenements that I found young workers. Of the children, some said that they worked steadily all day until dark, others only at odd intervals, while some admitted that they worked until 9 o'clock, after which they studied their lessons.

TABLE III.—CHILDREN FOUND AT WORK IN TENEMENTS ON SULLIVAN AND MACDOUGAL STREETS.

AGES.....	5	6	7	8	9	10	11	12	13	14	Totals.
Number working‡.....	3	4	11	7	12	10	11	16	10	6	90†
Number boys.....	1		3	1	5	1	4	5		1	21
Number girls.....	2	4	8	6	7	9	7	11	10	5	69
Number attend school.....	2	3	11	7	12	10	11	16	10	4	86
Number don't attend school.....	1	1								2	4
Number found in daytime.....	1	3	5	4	6	7	5	8	5	3	47
Number found in evening—after 6.....	2	1	6	3	6	3	6	8	5	3	43
Number make artificial flowers.....	3	4	11	7	12	9	9	16	7	6	84
Number finish corsets.....						1	2		3		6

Number of houses, 60.

Number of apartments (estimated), 900.

Number of families found in which 2 children work, 8.

Number of families found in which 3 children work, 7.

Number of families found in which 4 children work, 6.

Number of families found in which 5 children work, 1.

*In addition one girl under three was found pulling bastings and one boy of four buttoning garments. They were obviously playing and are properly excluded from table.

†Number not found at work, but who admitted working, 9.

‡In addition one boy and one girl were found sorting leaves.

§Number not found working, but who admitted working, 23.

On this table the inspector comments as follows: In contrasting conditions among the class of people on Mott and Mulberry streets with those on Macdougall and Sullivan streets, the latter seem to be of a little higher grade and live under better conditions. There is not the overcrowding that I found among the finishers. In a flower maker's home you will find the father, mother and a half dozen or more children. I have not seen an outsider in any of the homes visited at night so far. They live in cleaner and better kept houses, the children are, as a rule, more intelligent, and while most of them are very poor,* the bright hue of the flowers and the smiling, animated faces of the children created a more cheerful atmosphere in the homes, which was quite a relief from the wretchedness and squalor of some of the homes on Mulberry and Elizabeth streets. They answer questions readily and apparently truthfully; not so the Sicilians (most of the finishers are Sicilians), who are suspicious and prone to prevaricate. Few of the children of the flower workers seem to work at all steadily, but apparently all work some.

These tables probably represent approximately the average number of children of fourteen years of age or under who work in these tenements at any one time. But as home work is essentially irregular and intermittent, they do not indicate anything approaching to the total number of those who work at some time or other. Particularly is this true as to Table No. II. The high average school attendance shown in Table III explains why so few children are found on the regular inspections.

According to the school law, all children between eight and fourteen must attend school, and all those shown in the above tables who did not, have been reported to the attendance officers. But the Labor Law as to child labor in homes is indefinite. The Department proposes to try to stamp it out under the present law, and thereby learn by experience what further legislation is needed.

The above tables have no reference to *unlicensed* tenements. All labor of the kinds above classified is forbidden in them, whether it be by children or by adults. The factory inspectors therefore simply search for it, and where found, stop it; and they spare no time to estimate the number and character of the workers.

*They obtain 20 cents a gross for making large flowers and as low as 5 cents for small ones.

NATIONAL SOCIETY FOR THE PROMOTION OF INDUSTRIAL EDUCATION.

The first Bulletin of the Society, issued in January, 1907, contains the addresses given in Cooper Union, New York City, on the evening of November 16, 1906, the date of the formation of the Society. Few social movements of recent years have aroused more general interest than the movement for improved methods of vocational training, which is now crystallized in a national organization. The constitution of the Society and a list of its officers are herewith reprinted, together with the following statement of its purposes:

The field of work indicated by the term "industrial education" lies between the manual training of the public elementary school on the one hand and the engineering college on the other. Both of these may be considered as phases of industrial education, but it is that schooling which deals with training of direct vocational value to the industrial worker, to which the term is most appropriately applied.

The committee recognized that the problems presented by this field involve not only economic and educational questions, but social considerations of large magnitude. They were convinced that lasting results could be secured only when public opinion approves the measures proposed and is aroused to the importance of moving forward.

For these reasons it was felt of the highest importance that the elements of the community concerned in the problem be represented in the Society, and that through the Society the views of each should find expression. Through such exposition they believe that public opinion may be shaped and brought to bear upon the situation.

This point must arise in any effort to secure state and community support of industrial education, for while it is true that experiment and demonstration, for some time to come, must depend upon private initiative and support, public action must eventually play a large part in this work.

The field of industrial education is a wide one. It is evident that the conditions and requirements of modern industry and social life are so complex that no single plan will meet all needs. On the contrary a great variety of provisions are necessary — provisions that will meet the financial resources and different capacities of the learners and will furnish the training called for by the trade. Even at the present time there are in active operation the apprenticeship system, the shop school, the trade school of various types, the technical school for the expert, designer and foreman, the evening continuation school, the evening supplementary school, the half-time school and the correspondence school.

The training of beginners for entrance to the trades is a very important phase of the whole system, but it is only one phase. The idea that the

National Society for the Promotion of Industrial Education should exert its influence toward the immediate establishment of trade schools would seem from many points of view impracticable and undesirable. There exists at present no substantial agreement as to the most practical and desirable form of such schools and because of this fact it would seem that the more immediate and legitimate function of the Society should lie in the attempt to develop better understanding and agreement as to just what schools, if any, are best fitted for the different industries, what forms are practicable and what will be of largest benefit to both employer and employee.

Furthermore the central office of the Society, it is hoped, will serve as a bureau of information and a source of data and statistics for those in different parts of the country who are contemplating the establishment of institutions for industrial education or who are interested in the development of local, public or political sentiment. These and other lines of activity may well be undertaken by the Society in proportion to the material and moral support that it receives from the general public and from those most immediately concerned in the industrial welfare of our country.

CONSTITUTION

OF THE

NATIONAL SOCIETY FOR THE PROMOTION OF INDUSTRIAL EDUCATION.

I. NAME. The name of this organization shall be the National Society for the Promotion of Industrial Education.

II. OBJECTS. The objects of this Society shall be to bring to public attention the importance of industrial education as a factor in the industrial and educational development of the United States; to provide opportunities for the study and discussion of the various phases of the problem; to make available the results of experience in the field of industrial education both in this country and abroad and to promote the establishment of institutions for industrial training.

III. MEMBERSHIP. All persons interested in the subject of industrial education shall be eligible to membership.

Application for membership shall be filed with the Secretary. Members shall be elected by the Executive Committee.

Membership shall begin with payment of dues.

There shall be four classes of members, all of which shall enjoy the same rights and privileges.

Members.— All those who pay annual dues of \$2.

Sustaining Members.— All those who pay annual dues of \$25 or more.

Life Members.— All those who pay at any one time the sum of \$250 or more.

Honorary Members.— Any person who has achieved special distinction in promoting industrial education may be elected by unanimous vote by the Board of Managers as an "HONORARY MEMBER," and as such shall enjoy the rights and privileges of a member, but shall be exempt from the payment of dues.

IV. OFFICERS. The officers of the Society shall be a President, Vice-President, Secretary, Treasurer and twenty-seven Managers. There shall be also an Executive Committee and Standing Committees as hereinafter provided.

The President shall preside at all meetings of this Society and of the Board of Managers and of the Executive Committee, and shall perform the duties usually devolving upon a presiding officer. In the absence of the President, the Vice-President shall preside and fulfil the duties of President.

The Secretary shall keep a full and accurate report of the proceedings of the general meetings of the Society and all meetings of the Board of Managers and of the Executive Committee. He shall conduct such correspondence and fulfil

such other duties as the Board of Managers shall assign. He shall be paid a salary determined by the Board of Managers.

The Treasurer shall receive and under the direction of the Executive Committee hold in safe-keeping all moneys paid to the Society; and shall expend the same only upon the order of said Committee; shall keep an exact account of his receipts and expenditures, with vouchers for the latter, which account he shall render to the Executive Committee when requested.

The President, Vice-President and Treasurer shall be elected by ballot at the annual meeting of the Society for a term of one year.

The Board of Managers shall consist of the President, Vice-President, Secretary, Treasurer and twenty-seven additional members. These twenty-seven members shall serve for a term of three years, nine of them being elected at each annual meeting.*

The Board of Managers shall have power to fill vacancies in their own body occurring between the dates of the annual meetings; shall have charge of the general interests of the Society and shall develop plans to forward its purposes.

The Board of Managers shall elect the Secretary of the Society, who shall also be Secretary of the Board of Managers and of the Executive Committee, and shall determine the compensation of the office for the ensuing year.

The Executive Committee shall consist of the President, Vice-President, Secretary, Treasurer and five additional members of the Board of Managers selected by that body to serve for one year. It shall be the duty of the Executive Committee to provide for the safe-keeping and investment of all funds of the Society. It shall also be the duty of this Committee to issue orders on the Treasurer for the payment of all bills incurred by the Society under their direction. It shall conduct such other business as may be delegated to it by the Board of Managers and shall report to that body when requested. The Executive Committee shall appoint such Standing and Special Committees as shall hereafter be provided for.

V. MEETINGS. The annual meeting of the Society shall be held in the month of November at such time and place as the Executive Committee shall decide. Special meetings of the Society shall be held as decided upon by the Executive Committee.

The Board of Managers shall meet at least twice a year, once within one month of the annual meeting for the purpose of organization, and again within one month previous to the next annual meeting for the purpose of reviewing the work of the Society and deciding upon such recommendations at the annual meeting as may be found advisable.

The Executive Committee shall meet once a month except June, July and August, at such time and place as it shall decide.

VI. BY-LAWS. By-Laws not inconsistent with this Constitution may be adopted by a two-thirds vote of a quorum of the Society.

VII. AMENDMENTS. This Constitution may be altered or amended by the two-thirds vote of the members present at a regular meeting, provided that the alteration or amendment has been substantially proposed in writing at a previous meeting or submitted to the members or by mail at least thirty days before the meeting.

OFFICERS.

President, Henry S. Pritchett, President Mass. Institute of Technology.

Vice-President, Magnus W. Alexander, Lynn, Mass.

Treasurer, V. Everit Macy, New York City.

Secretary, Prof. Chas. R. Richards, Columbia University.

BOARD OF MANAGERS.

Three Years.

Milton P. Higgins, President Norton Company, Worcester, Mass.

Anthony Ittner, President Anthony Ittner Brick Company, St. Louis.

* To put this Constitution in operation nine members shall be elected at the organization meeting to hold office for a period of three years; nine for a period of two years, and nine for a period of one year.

W. H. Pfahler, President Model Heating Co., Philadelphia.
Mrs. Mary Morton Kehew, President Women's Educational and Industrial Union, Boston.
C. R. Richards, Teachers College, New York.
James P. Haney, Director of Manual Training, New York.
Robert A. Woods, Director South End House, Boston.
Charles F. Warner, Principal Technical High School, Springfield, Mass.

Two Years.

Fred W. Sivyer, President N. W. Malleable Iron Co., Milwaukee.
Frank A. Vanderlip, Vice-President National City Bank, New York.
Charles A. Moore, President Manning, Maxwell & Moore, New York.
Fred W. Taylor, Consulting Engineer, Chestnut Hill, Philadelphia.
Leslie W. Miller, Principal Pennsylvania Museum and School of Industrial Art, Philadelphia.
F. J. McNulty, Grand President International Brotherhood of Electrical Workers, Springfield, Ill.

Miss Jane Addams, Head of Hull-House, Chicago.
Louis Rouillon, Director, Franklin Union, Boston.
Walter M. Wood, Manager of Institutional Work, Y. M. C. A., Chicago.

One Year.

Frederick P. Fish, President American Telephone & Telegraph Co., Boston, Mass.
Samuel B. Donnelly, Secretary General Arbitration Board of the New York Building Trades, New York.
James P. Munroe, Treasurer Munroe Felt & Paper Co., Boston.
Fred J. Miller, Editor "American Machinist," New York.
Mrs. B. B. Munford, President Richmond Education Association, Richmond, Va.
E. P. Bullard, Jr., Vice-President Bullard Machine Tool Co., Bridgeport, Conn.
J. Ernest G. Yalden, Superintendent Baron de Hirsch Trade School, New York.
Henry Bruera, Secretary Bureau of City Betterment, Citizens' Union of New York.

THE NEW BRITISH ACT FOR THE COMPENSATION OF ACCIDENTS OF EMPLOYMENT.

Almost a decade has passed since the author of a standard treatise on workmen's insurance declared that "it would be difficult to think of another field of social or legal reform in which the United States is so far behind other nations" as it is with respect to the law governing the responsibility for injuries which workmen incur in the course of their employment. American legislation is based on the idea of negligence, which worked substantial justice in the days of small workshops and hand tools, where any accident that occurs may readily enough be traced to the fault of some one man. But in the large industrial enterprises of to-day it is almost impossible to define and apportion negligence, and the rule that a workman can not recover damages when he himself has contributed to an accident, or when a fellow employee is at fault, has left the average workman without remedy when disabled from work. If all workmen would unite and refuse employment except upon terms that would enable them to carry accident insurance after the manner of the relatively well-paid railway employees, the problem of caring for disabled workmen would quickly disappear; but it is generally true that an effective concert of action through labor organizations is found only in the trades where skill and large earnings co-exist.

Occasionally actions to recover damages for personal injury result in awards of considerable amount, but such awards while bearing heavily upon the employer do not afford financial assistance to the multitude of injured men who either have no cause of action or lack sufficient evidence to obtain a judgment. The law of employers' liability, as it works out in every country that uses steam-driven machinery, is nothing more or less than a gamble, in which the only winner is the practicing attorney who specializes in personal injury cases.

In Europe, where the prevailing low standard of wages prevented workmen from laying by funds for emergencies, those incapacitated from work were thrown upon public and private charity, and consequently compelled an earlier recognition of the

actual situation than in the United States. Beginning with Germany in 1884, every important industrial nation of Europe has provided some system of insurance against industrial accidents. The United States is still in the stage of discussion. The earliest official report was perhaps that of the New York Bureau of Labor Statistics in 1899, which is now out of print.* In 1902 Maryland enacted a co-operative insurance law, providing for optional insurance in certain industries, but it was soon declared unconstitutional. In 1904 a Massachusetts Committee on Relations between Employer and Employee made a unanimous recommendation in favor of a liability law similar to the British workmen's compensation act, which makes the employer, in legal phrase, the insurer of the safety of his employees; but the bill failed of passage. In 1905 the Legislature of Illinois authorized the appointment of an industrial insurance commission which has just made its report, and last December the President of the United States in his annual message to Congress recommended the enactment of a law which should apply to common carriers engaged in interstate commerce the new doctrine that the business itself should bear the charges involved in caring for employees injured while at work, irrespective of questions of fault or negligence, thus:

"Among the excellent laws which the Congress passed at the last session was an employers' liability law. It was a marked step in advance to get the recognition of employers' liability on the statute books; but the law did not go far enough. In spite of all precautions exercised by employers there are unavoidable accidents and even deaths involved in nearly every line of business connected with the mechanic arts. This inevitable sacrifice of life may be reduced to a minimum, but it can not be completely eliminated. It is a great social injustice to compel the employee, or rather the family of the killed or disabled victim, to bear the entire burden of such an inevitable sacrifice. In other words, society shirks its duty by laying the whole cost on the victim, whereas the injury comes from what may be called the legitimate risks of the trade. Compensation for accidents or deaths due in any line of industry to the actual conditions under which that industry is carried on, should be paid by that portion of the community for the benefit of which the industry is carried on—that is, by those who profit by the industry. If the entire trade risk is placed upon the employer he will promptly and properly add it to the legitimate cost of production and assess it proportionately upon the consumers of his commodity. It is therefore clear to my mind that the law

* A concise summary of the principles at stake was given in the BULLETIN of March, 1906.

should place this entire 'risk of a trade' upon the employer. Neither the Federal law, nor, as far as I am informed, the state laws dealing with the question of employers' liability are sufficiently thoroughgoing. The Federal law should of course include employers in navy yards, arsenals, and the like."

The idea that each trade or occupation carries a risk or hazard of its own which may be accurately ascertained and covered by insurance is the doctrine that underlies the accident insurance systems and workmen's compensation acts of Europe. The first charges are ordinarily paid by the employer because he is the only person who can transfer them to the consumer by means of an advance in the selling price of goods produced, precisely in the same way that he shifts to consumers his charges for fire insurance. The manufacturers of gunpowder pay higher insurance rates than do the owners of ordinary mills, but their profits are not thereby reduced below the average or normal rate, because they include the insurance charges among the expenses of production; similarly, their payments to insure the proper compensation of injured employees would exceed those of manufacturers of clothing, for example, but such payments would in neither case affect profits in the long run.

Ten years ago England accepted the principle of the trade risk in its Workmen's Compensation Act of 1897. Three years later the act was extended to agriculture, and it has now been extended to mercantile establishments, shipping, and domestic service, adding some 6,000,000 persons to the number of workmen already protected. In the revised law, moreover, Parliament added a new feature which places England in advance of many of the Continental countries,—the inclusion of some of the most dangerous processes involving the risk of poisoning. Six trade diseases to which workmen are subject when handling poisonous materials are thus assimilated to accidental injuries, namely, anthrax (handling of wool, hair, bristles, hides and skin), lead poisoning, mercury poisoning, phosphorus poisoning, arsenic poisoning, and ankylostomiasis or miners' consumption.

Under the new act compensation is given to workmen incapacitated for one week (instead of two, as before) and in the case of the more serious injuries, payments begin at once instead of at the end of two weeks. While the allowances during disability are, as a rule, limited to 50 percent of the workman's

weekly earnings, minors under 21 years of age are now entitled to 100 percent of their earnings up to 10s. (\$2.50) a week.

A valuable addition to the law is the requirement (sec. 12) of official reports concerning the number of accidents and amounts paid in compensation thereof. Heretofore the only information published as to the working of the law has been confined to the proceedings in court or before arbitrators,[†] whereas the overwhelming number of cases are adjusted without recourse to litigation of any kind.

In the following reprint of the official text of the law, the new matter will be found principally in sections 7, 8, 10, 11, and 12, and the third schedule.

WORKMEN'S COMPENSATION ACT, 1906.

ARRANGEMENT OF SECTIONS.

Section.

1. Liability of employers to workmen for injuries.
2. Time for taking proceedings.
3. Contracting out.
4. Sub-contracting.
5. Provision as to cases of bankruptcy of employer.
6. Remedies both against employer and stranger.
7. Application of Act to seamen.
8. Application of Act to industrial diseases.
9. Application to workmen in employment of Crown.
10. Appointment and remuneration of medical referees and arbitrators.
11. Detention of ships.
12. Returns as to compensation.
13. Definitions.
14. Special provisions as to Scotland.
15. Provisions as to existing contracts and schemes.
16. Commencement and repeal.
17. Short title.

Schedules.

CHAPTER 58. [6 EDW. 7.]

AN ACT to consolidate and amend the Law with respect to Compensation to Workmen for Injuries suffered in the course of their Employment.
[21st December 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall,

[†]The latest information is in Statistics of Proceedings under the Workmen's Compensation Acts, 1897 and 1900, and the Employers' Liability Act, 1880, during the year 1905 [Cd. 3149, 1906.]

Valuable parliamentary documents on this subject of the law are the three reports of the Departmental Committee Appointed to Inquire into the Law relating to Compensation for Injuries to Workmen (1904-5, cd. 2208, 2334 and 2458).

subject as herein-after mentioned, be liable to pay compensation in accordance with the First Schedule to this Act.

(2) Provided that—

- (a) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least one week from earning full wages at the work at which he was employed:
- (b) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Act or take proceedings independently of this Act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid:
- (c) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed.

(3) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the person injured is a workman to whom this Act applies), or as to the amount or duration of compensation under this Act, the question, if not settled by agreement, shall, subject to the provisions of the First Schedule to this Act, be settled by arbitration, in accordance with the Second Schedule to this Act.

(4) If, within the time herein-after in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court in which the action is tried shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this subsection, when the court assesses the compensation it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this Act.

(5) Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines, factories, or workshops, or the application of any such fine.

2.—(1) Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the work-

man has voluntarily left employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death:

Provided always that—

- (a) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect, or inaccuracy, or that such want, defect, or inaccuracy was occasioned by mistake, absence from the United Kingdom, or other reasonable cause; and
 - (b) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the United Kingdom, or other reasonable cause.
- (2) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened, and shall be served on the employer, or, if there is more than one employer, upon one of such employers.
- (3) The notice may be served by delivering the same at, or sending it by post in a registered letter addressed to, the residence or place of business of the person on whom it is to be served.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice may also be served by delivering the same at, or by sending it by post in a registered letter addressed to, the employer at the office, or, if there be more than one office, any one of the offices of such body.

3.—(1) If the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workman, certifies that any scheme of compensation, benefit, or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favourable to the workmen and their dependants than the corresponding scales contained in this Act, and that, where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act, and that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme, the employer may, whilst the certificate is in force, contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable only in accordance with the scheme, but, save as aforesaid, this Act shall apply notwithstanding any contract to the contrary made after the commencement of this Act.

(2) The Registrar may give a certificate to expire at the end of a limited period of not less than five years, and may from time to time renew with or without modifications such a certificate to expire at the end of the period for which it is renewed.

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

(4) If complaint is made to the Registrar of Friendly Societies by or on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in subsection (1) of this section, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the Registrar shall examine into the complaint, and, if satisfied that good cause exist for such complaint, shall, unless the cause of complaint is removed, revoke the certificate.

(5) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall, after due provision has been made to discharge the liabilities already accrued, be distributed as may be arranged between the employer and workmen, or as may be determined by the Registrar of Friendly Societies in the event of a difference of opinion.

(6) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Registrar of Friendly Societies.

(7) The Chief Registrar of Friendly Societies shall include in his annual report the particulars of the proceedings of the Registrar under this Act.

(8) The Chief Registrar of Friendly Societies may make regulations for the purpose of carrying this section into effect.

4.—(1) Where any person (in this section referred to as the principal), in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed:

Provided that, where the contract relates to threshing, ploughing, or other agricultural work, and the contractor provides and uses machinery driven by mechanical power for the purpose of such work, he and he alone shall be liable under this Act to pay compensation to any workman employed by him on such work.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section, and all questions as to the right to and amount of any such indemnity shall in default of agreement be settled by arbitration under this Act.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about the premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

5.—(1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then, in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or if the employer is a company in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in the enactments relating to bankruptcy and the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation.

(3) There shall be included among the debts which under section one of the Preferential Payments in Bankruptcy Act, 1888, and section four of the Preferential Payments in Bankruptcy (Ireland) Act, 1889, are in the distribution of the property of a bankrupt and in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount, not exceeding in any individual case one hundred pounds, due in respect of any compensation the liability whereof accrued before the date of the receiving order or the date of the commencement of the winding up, and those Acts and the Preferential Payments in Bankruptcy Amendment Act, 1897, shall have effect accordingly. Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under the First Schedule to this Act.

(4) In the case of the winding up of a company within the meaning of the Starmaries Act, 1887, such an amount as aforesaid, if the compensation is payable to a miner or the dependants of a miner, shall have the like priority as is conferred on wages of miners by section nine of that Act, and that section shall have effect accordingly.

(5) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt or the company being wound up has entered into such a contract with insurers as aforesaid.

(6) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

6. Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(1) The workman may take proceedings both against that person to recover damages and against any person liable to pay compensation

under this Act for such compensation, but shall not be entitled to recover both damages and compensation; and

- (2) If the workman has recovered compensation under this Act, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under the section of this Act relating to sub-contracting, shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration under this Act.

7.—(1) This Act shall apply to masters, seamen, and apprentices to the sea service and apprentices in the sea-fishing service, provided that such persons are workmen within the meaning of this Act, and are members of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in the United Kingdom, subject to the following modifications:

- (a) The notice of accident and the claim for compensation may, except where the person injured is the master, be served on the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident:
- (b) In the case of the death of the master, seaman, or apprentice, the claim for compensation shall be made within six months after news of the death has been received by the claimant:
- (c) Where an injured master, seaman, or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in the British possession, and by any British consular officer in the foreign country, and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided by sections six hundred and ninety-one and six hundred and ninety-five of the Merchant Shipping Act, 1894, and those sections shall apply accordingly:
- (d) In the case of the death of a master, seaman, or apprentice, leaving no dependants, no compensation shall be payable, if the owner of the ship is under the Merchant Shipping Act, 1894, liable to pay the expenses of burial:
- (e) The weekly payment shall not be payable in respect of the period during which the owner of the ship is, under the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or otherwise, liable to defray the expenses of maintenance of the injured master, seaman, or apprentice:
- (f) Any sum payable by way of compensation by the owner of a ship under this Act shall be paid in full notwithstanding anything in section five hundred and three of the Merchant Shipping Act, 1894 (which relates to the limitation of a shipowner's liability in certain

cases of loss of life, injury, or damage), but the limitation on the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under the section of this Act relating to remedies both against employer and stranger as if the indemnity were damages for loss of life or personal injury:

- (g) Subsections (2) and (3) of section one hundred and seventy-four of the Merchant Shipping Act, 1894 (which relates to the recovery of wages of seamen lost with their ship), shall apply as respects proceedings for the recovery of compensation by dependants of masters, seamen, and apprentices lost with their ship as they apply with respect to proceedings for the recovery of wages due to seamen and apprentices; and proceedings for the recovery of compensation shall in such a case be maintainable if the claim is made within eighteen months of the date at which the ship is deemed to have been lost with all hands:

(2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated by shares in the profits or the gross earnings of the working of such vessel.

(3) This section shall extend to pilots to whom Part X. of the Merchant Shipping Act, 1894, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew.

8.—(1) Where—

- (i) the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district in which a workman is employed certifies that the workman is suffering from a disease mentioned in the Third Schedule to this Act and is thereby disabled from earning full wages at the work at which he was employed; or
 - (ii) a workman is, in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of having contracted any such disease; or
 - (iii) the death of a workman is caused by any such disease;
- and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of the disablement or suspension, whether under one or more employers, he or his dependants shall be entitled to compensation under this Act as if the disease or such suspension as aforesaid were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications:

- (a) The disablement or suspension shall be treated as the happening of the accident;
- (b) If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable;
- (c) The compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due:

Provided that—

- (i) the workman or his dependants if so required shall furnish that employer with such information as to the names and

addresses of all the other employers who employed him in the employment during the said twelve months as he or they may possess, and, if such information is not furnished, or is not sufficient to enable that employer to take proceedings under the next following proviso, that employer upon proving that the disease was not contracted whilst the workman was in his employment shall not be liable to pay compensation; and

(ii) if that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to the arbitration, and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable; and

(iii) if the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, may be determined in the arbitration under this Act for settling the amount of the compensation;

(d) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable;

(e) The employer to whom notice of the death, disablement, or suspension is to be given shall be the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment.

(f) If an employer or a workman is aggrieved by the action of a certifying or other surgeon in giving or refusing to give a certificate of disablement or in suspending or refusing to suspend a workman for the purposes of this section, the matter shall in accordance with regulations made by the Secretary of State be referred to a medical referee, whose decision shall be final.

(2) If the workman at or immediately before the date of the disablement or suspension was employed in any process mentioned in the second column of the Third Schedule to this Act, and the disease contracted is the disease in the first column of that Schedule set opposite the description of the process, the disease, except where the certifying surgeon certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment, unless the employer proves the contrary.

(3) The Secretary of State may make rules regulating the duties and fees of certifying and other surgeons (including dentists) under this section.

(4) For the purposes of this section the date of disablement shall be such date as the certifying surgeon certifies as the date on which the disablement

commenced, or, if he is unable to certify such a date, the date on which the certificate is given:

Provided that—

(a) Where the medical referee allows an appeal against a refusal by a certifying surgeon to give a certificate of disablement, the date of disablement shall be such date as the medical referee may determine:

(b) Where a workman dies without having obtained a certificate of disablement, or is at the time of death not in receipt of a weekly payment on account of disablement, it shall be the date of death.

(5) In such cases, and subject to such conditions as the Secretary of State may direct, a medical practitioner appointed by the Secretary of State for the purpose shall have the powers and duties of a certifying surgeon under this section, and this section shall be construed accordingly.

(6) The Secretary of State may make orders for extending the provisions of this section to other diseases and other processes, and to injuries due to the nature of any employment specified in the order not being injuries by accident, either without modification or subject to such modifications as may be contained in the order.

(7) Where, after inquiry held on the application of any employers or workmen engaged in any industry to which this section applies, it appears that a mutual trade insurance company or society for insuring against the risks under this section has been established for the industry, and that a majority of the employers engaged in that industry are insured against such risks in the company or society and that the company or society consents, the Secretary of State may, by Provisional Order, require all employers in that industry to insure in the company or society upon such terms and under such conditions and subject to such exceptions as may be set forth in the Order. Where such a company or society has been established, but is confined to employers in any particular locality or of any particular class, the Secretary of State may for the purposes of this provision treat the industry, as carried on by employers in that locality or of that class, as a separate industry.

(8) A Provisional Order made under this section shall be of no force whatever unless and until it is confirmed by Parliament, and if, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against the Order, the Bill may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills, and any Act confirming any Provisional Order under this section may be repealed, altered, or amended by a Provisional Order made and confirmed in like manner.

(9) Any expenses incurred by the Secretary of State in respect of any such Order, Provisional Order, or confirming Bill shall be defrayed out of moneys provided by Parliament.

(10) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Act.

9.—(1) This Act shall not apply to persons in the naval or military service of the Crown, but otherwise shall apply to workmen employed by or under

the Crown to whom this Act would apply if the employer were a private person:

Provided that in the case of a person employed in the private service of the Crown, the head of that department of the Royal Household in which he was employed at the time of the accident shall be deemed to be his employer.

(2) The Treasury may, by warrant laid before Parliament, modify for the purposes of this Act their warrant made under section one of the Superannuation Act, 1887, and notwithstanding anything in that Act, or any such warrant, may frame schemes with a view to their being certified by the Registrar of Friendly Societies under this Act.

10.—(1) The Secretary of State may appoint such legally qualified medical practitioners to be medical referees for the purposes of this Act as he may, with the sanction of the Treasury, determine, and the remuneration of, and other expenses incurred by, medical referees under this Act shall, subject to regulations made by the Treasury, be paid out of moneys provided by Parliament.

Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

(2) The remuneration of an arbitrator appointed by a judge of county courts under the Second Schedule to this Act shall be paid out of moneys provided by Parliament in accordance with regulations made by the Treasury.

11.—(1) If it is alleged that the owners of any ship are liable as such owners to pay compensation under this Act, and at any time that ship is found in any port or river of England or Ireland, or within three miles of the coast thereof, a judge of any court of record in England or Ireland may, upon its being shown to him by any person applying in accordance with the rules of the court that the owners are probably liable as such to pay such compensation, and that none of the owners reside in the United Kingdom, issue an order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation and to pay such compensation and costs as may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) In any legal proceeding to recover such compensation, the person giving security shall be made defendant, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding.

(3) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and, if the owner of a ship is a corporation, it shall for the purposes of this section be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected.

12.—(1) Every employer in any industry to which the Secretary of State may direct that this section shall apply shall, on or before such day in every year as the Secretary of State may direct, send to the Secretary of State a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Act during the previous year,

and the amount of such compensation, together with such other particulars as to the compensation as the Secretary of State may direct, and in default of complying with this section shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(2) Any regulations made by the Secretary of State containing such directions as aforesaid shall be laid before both Houses of Parliament as soon as may be after they are made.

13. In this Act, unless the context otherwise requires —

“Employer” includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person;

“Workman” does not include any person employed otherwise than by way of manual labour whose remuneration exceeds two hundred and fifty pounds a year, or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, or a member of a police force, or an out worker, or a member of the employer's family dwelling in his house, but, save as aforesaid, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing;

Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable;

“Dependants” means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively;

“Member of a family” means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister;

“Ship,” “vessel,” “seaman,” and “port” has the same meanings as in the Merchant Shipping Act, 1894;

“Manager,” in relation to a ship, means the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner;

“Police force” means a police force to which the Police Act, 1890, or the Police (Scotland) Act, 1890, applies, the City of London Police Force, the Royal Irish Constabulary, and the Dublin Metropolitan Police Force;

"Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale, in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

The exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this Act, be treated as the trade or business of the authority;

"County court," "judge of the county court," "registrar of the county court," "plaintiff," and "rules of court," as respects Scotland, mean respectively sheriff court, sheriff, sheriff clerk, pursuer, and act of sederunt.

14. In Scotland, where a workman raises an action against his employer independently of this Act in respect of any injury caused by accident arising out of and in the course of the employment, the action, if raised in the sheriff court and concluding for damages under the Employers' Liability Act, 1880, or alternatively at common law or under the Employers' Liability Act, 1880, shall, notwithstanding anything contained in that Act, not be removed under that Act or otherwise to the Court of Session, nor shall it be appealed to that court otherwise than by appeal on a question of law; and for the purposes of such appeal the provisions of the Second Schedule to this Act in regard to an appeal from the decision of the sheriff on any question of law determined by him as arbitrator under this Act shall apply.

15.—(1) Any contract (other than a contract substituting the provisions of a scheme certified under the Workmen's Compensation Act, 1897, for the provisions of that Act) existing at the commencement of this Act, whereby a workman relinquishes any right to compensation from the employer for personal injury arising out of and in the course of his employment, shall not, for the purposes of this Act, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this Act.

(2) Every scheme under the Workmen's Compensation Act, 1897, in force at the commencement of this Act, shall, if re-certified by the Registrar of Friendly Societies, have effect as if it were a scheme under this Act.

(3) The Registrar shall re-certify any such scheme if it is proved to his satisfaction that the scheme conforms, or has been so modified as to conform, with the provisions of this Act as to schemes.

(4) If any such scheme has not been so re-certified before the expiration of six months from the commencement of this Act, the certificate thereof shall be revoked.

16.—(1) This Act shall come into operation on the first day of July nineteen hundred and seven, but, except so far as it relates to references to medical referees, and proceedings consequential thereon, shall not apply in any case where the accident happened before the commencement of this Act.

(2) The Workmen's Compensation Acts, 1897 and 1900, are hereby repealed, but shall continue to apply to cases where the accident happened before the commencement of this Act, except to the extent to which this Act applies to those cases.

17. This Act may be cited as the Workmen's Compensation Act, 1906.

FIRST SCHEDULE.

SCALE AND CONDITIONS OF COMPENSATION.

(I) The amount of compensation under this Act shall be—

(a) where death results from the injury—

(1) If the workman leaves any dependants wholly dependent upon his earnings, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of one hundred and fifty pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds, provided that the amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof, shall be deducted from such sum, and, if the period of the workman's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer;

(II) If the workman does not leave any such dependants, but leaves any dependants in part dependent upon his earnings, such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or, in default of agreement, may be determined, on arbitration under this Act, to be reasonable and proportionate to the injury to the said dependants; and

(III) If he leaves no dependants, the reasonable expenses of his medical attendance and burial, not exceeding ten pounds;

(b) where total or partial incapacity for work results from the injury, a weekly payment during the incapacity not exceeding fifty per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not then for any less period during which he has been in the employment of the same employer, such weekly payment not to exceed one pound:

Provided that—

(a) if the incapacity lasts less than two weeks no compensation shall be payable in respect of the first week; and

(b) as respects the weekly payments during total incapacity of a workman who is under twenty-one years of age at the date of the injury, and whose average weekly earnings are less than twenty shillings, one hundred per cent. shall be substituted for fifty per cent. of his average weekly earnings, but the weekly payment shall in no case exceed ten shillings.

(2) For the purposes of the provisions of this schedule relating to "earnings" and "average weekly earnings" of a workman, the following rules shall be observed:—

(a) average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated. Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer, or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;

(b) where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all

such contracts were earnings in the employment of the employer for whom he was working at the time of the accident;

(c) employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause;

(d) where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings.

(3) In fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but shall bear such relation to the amount of that difference as under the circumstances of the case may appear proper.

(4) Where a workman has given notice of an accident, he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and, if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceeding under this Act in relation to compensation, shall be suspended until such examination has taken place.

(5) The payment in the case of death shall, unless otherwise ordered as herein-after provided, be paid into the county court, and any sum so paid into court shall, subject to rules of court and the provisions of this schedule, be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the registrar of the court shall be a sufficient discharge in respect of the amount paid in:

Provided that, if so agreed, the payment in case of death shall, if the workman leaves no dependants, be made to his legal personal representative, or, if he has no such representative, to the person to whom the expenses of medical attendance and burial are due.

(6) Rules of court may provide for the transfer of money paid into court under this Act from one court to another, whether or not the court from which it is to be transferred is in the same part of the United Kingdom as the court to which it is to be transferred.

(7) Where a weekly payment is payable under this Act to a person under any legal disability, a county court may, on application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court, and the provisions of this schedule with respect to sums required by this schedule to be paid into court, shall apply to sums paid into court in pursuance of any such order.

(8) Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, shall be settled by the county court, and the amount payable to each dependant shall be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, by the county court. Where there are both total and partial dependants nothing in this schedule shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(9) Where, on application being made in accordance with rules of court, it appears to a county court that, on account of neglect of children on the part of a widow, or on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order of the court or an award as to the apportionment amongst the several dependants of any sum paid as compensation, or as to the manner in which any sum payable to any such dependent is to be

invested, applied, or otherwise dealt with, ought to be varied, the court may make such order for the variation of the former order or the award, as in the circumstances of the case the court may think just.

(10) Any sum which under this schedule is ordered to be invested may be invested in whole or in part in the Post Office Savings Bank by the registrar of the county court in his name as registrar.

(11) Any sum to be so invested may be invested in the purchase of an annuity from the National Debt Commissioners through the Post Office Savings Bank, or be accepted by the Postmaster-General as a deposit in the name of the registrar as such, and the provisions of any statute or regulations respecting the limits of deposits in savings banks, and the declaration to be made by a depositor, shall not apply to such sums.

(12) No part of any money invested in the name of the registrar of any county court in the Post Office Savings Bank under this Act shall be paid out, except upon authority addressed to the Postmaster-General by the Treasury or, subject to regulations of the Treasury, by the judge or registrar of the county court.

(13) Any person deriving any benefit from any moneys invested in a post office savings bank under the provisions of this Act may, nevertheless, open an account in a post office savings bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank.

(14) Any workman receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

(15) A workman shall not be required to submit himself for examination by a medical practitioner under paragraph (4) or paragraph (14) of this schedule otherwise than in accordance with regulations made by the Secretary of State, or at more frequent intervals than may be prescribed by those regulations.

Where a workman has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the registrar of a county court, on application being made to the court by both parties, may, on payment by the applicants of such fee not exceeding one pound as may be prescribed, refer the matter to a medical referee.

The medical referee to whom the matter is so referred shall, in accordance with regulations made by the Secretary of State, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified.

Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this paragraph shall, subject to any regulations made by the Secretary of State, apply as if the question were a question as to the condition of the workman.

If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place.

Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this paragraph and

the forms to be used for those purposes and, subject to the consent of the Treasury, as to the fee to be paid under this paragraph.

(16) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum above provided, and the amount of payments shall, in default of agreement, be settled by arbitration under this Act:

Provided that where the workman was at the date of the accident under twenty-one years of age and the review takes place more than twelve months after the accident, the amount of the weekly payment may be increased to any amount not exceeding fifty per cent. of the weekly sum which the workman would probably have been earning at the date of the review if he had remained uninjured, but not in any case exceeding one pound.

(17) Where any weekly payment has been continued for not less than six months, the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such an amount as, where the incapacity is permanent, would, if invested in the purchase of an immediate life annuity from the National Debt Commissioners through the Post Office Savings Bank, purchase an annuity for the workman equal to seventy-five per cent. of the annual value of the weekly payment, and as in any other case may be settled by arbitration under this Act, and such lump sum may be ordered by the committee or arbitrator or judge of the county court to be invested or otherwise applied for the benefit of the person entitled thereto: Provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum.

(18) If a workman receiving a weekly payment ceases to reside in the United Kingdom, he shall thereupon cease to be entitled to receive any weekly payment, unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature. If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by rules of court, his identity and the continuance of the incapacity in respect of which the weekly payment is payable.

(19) A weekly payment, or a sum paid by way of redemption thereof, shall not be capable of being assigned, charged, or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

(20) Where under this schedule a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

(21) Where a scheme certified under this Act provides for payment of compensation by a friendly society, the provisions of the proviso to the first subsection of section eight, section sixteen, and section forty-one of the Friendly Societies Act, 1896, shall not apply to such society in respect of such scheme.

(22) In the application of this Act to Ireland the provisions of the County Officers and Courts (Ireland) Act, 1877, with respect to money deposited in the Post Office Savings Bank under that Act shall apply to money invested in the Post Office Savings Bank under this Act.

SECOND SCHEDULE.

ARBITRATION, &c.

(1) For the purpose of settling any matter which under this Act is to be settled by arbitration, if any committee, representative of an employer and his workmen, exists with power to settle matters under this Act in the case of the employer and workmen, the matter shall, unless either party objects by notice in writing sent to the other party before the committee meet to consider the matter, be settled by the arbitration of such committee, or be referred by them in their discretion to arbitration as hereinafter provided.

(2) If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within six months from the

date of the claim, the matter shall be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the judge of the county court, according to the procedure prescribed by rules of court.

(3) In England the matter, instead of being settled by the judge of the county court, may, if the Lord Chancellor so authorises, be settled according to the like procedure, by a single arbitrator appointed by that judge, and the arbitrator so appointed shall, for the purposes of this Act, have all the powers of that judge.

(4) The Arbitration Act, 1889, shall not apply to any arbitration under this Act; but a committee or an arbitrator may, if they or he think fit, submit any question of law for the decision of the judge of the county court, and the decision of the judge on any question of law, either on such submission, or in any case where he himself settles the matter under this Act, or where he gives any decision or makes any order under this Act, shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal; and the judge of the county court, or the arbitrator appointed by him, shall, for the purpose of proceedings under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were an action in the county court.

(5) A judge of county courts may, if he thinks fit, summon a medical referee to sit with him as an assessor.

(6) Rules of court may make provision for the appearance in any arbitration under this Act of any party by some other person.

(7) The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator, or judge of the county court, subject as respects such judge and an arbitrator appointed by him to rules of court. The costs, whether before a committee or an arbitrator or in the county court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules and such taxation may be reviewed by the judge of the county court.

(8) In the case of the death, or refusal or inability to act, of an arbitrator, the judge of the county court may, on the application of any party, appoint a new arbitrator.

(9) Where the amount of compensation under this Act has been ascertained, or any weekly payment varied, or any other matter decided under this Act, either by a committee or by an arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by rules of court, by the committee or arbitrator, or by any party interested, to the registrar of the county court who shall, subject to such rules, on being satisfied as to its genuineness, record such memorandum in a special register without fee, and thereupon the memorandum shall for all purposes be enforceable as a county court judgment.

Provided that—

- (a) no such memorandum shall be recorded before seven days after the dispatch by the registrar of notice to the parties interested; and
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer, in accordance with rules of court, proves that the workman has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the judge of the county court, under the circumstances, may think just; and
- (c) the judge of the county court may at any time rectify the register; and
- (d) where it appears to the registrar of the county court, on any information which he considers sufficient, that an agreement as to the redemption of a weekly payment by a lump sum, or an agreement as to the amount of compensation payable to a person under any legal dis-

ability, or to dependants, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence, or other improper means, he may refuse to record the memorandum of the agreement sent to him for registration, and refer the matter to the judge who shall, in accordance with rules of court, make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just; and

- (e) the judge may, within six months after a memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or of an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, has been recorded in the register, order that the record be removed from the register on proof to his satisfaction that the agreement was obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just.

(10) An agreement as to the redemption of a weekly payment by a lump sum if not registered in accordance with this Act shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the weekly payment is payable from liability to continue to make that weekly payment, and an agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not so registered, shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the compensation is payable from liability to pay compensation, unless, in either case, he proves that the failure to register was not due to any neglect or default on his part.

(11) Where any matter under this Act is to be done in a county court, or by, to, or before the judge or registrar of a county court, then, unless the contrary intention appear, the same shall, subject to rules of court, be done in, or by, to, or before the judge or registrar of, the county court of the district in which all the parties concerned reside, or if they reside in different districts the district prescribed by rules of court, without prejudice to any transfer in manner provided by rules of court.

(12) The duty of a judge of county courts under this Act, or in England of an arbitrator appointed by him, shall, subject to rules of court, be part of the duties of the county court, and the officers of the court shall act accordingly, and rules of court may be made both for any purpose for which this Act authorises rules of court to be made, and also generally for carrying into effect this Act so far as it affects the county court, or an arbitrator appointed by the judge of the county court, and proceedings in the county court or before any such arbitrator, and such rules may, in England, be made by the five judges of county courts appointed for the making of rules under section one hundred and sixty-four of the County Courts Act, 1888, and when allowed by the Lord Chancellor, as provided by that section, shall have full effect without any further consent.

(13) No court fee, except such as may be prescribed under paragraph (15) of the First Schedule to this Act, shall be payable by any party in respect of any proceedings by or against a workman under this Act in the court prior to the award.

(14) Any sum awarded as compensation shall, unless paid into court under this Act, be paid on the receipt of the person to whom it is payable under any agreement or award, and the solicitor or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Act, or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the judge of the county court, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

(15) Any committee, arbitrator, or judge may, subject to regulations made by the Secretary of State and the Treasury, submit to a medical referee for report any matter which seems material to any question arising in the arbitration.

(16) The Secretary of State may, by order, either unconditionally or subject to such conditions or modifications as he may think fit, confer on any committee representative of an employer and his workmen, as respects any matter in which the committee act as arbitrators, or which is settled by agreement submitted to and approved by the committee, all or any of the powers conferred by this Act exclusively on county courts or judges of county courts, and may by the order provide how and to whom the compensation money is to be paid in cases where, but for the order, the money would be required to be paid into court, and the order may exclude from the operation of provisions (d) and (e) of paragraph (9) of this Schedule agreements submitted to and approved by the committee, and may contain such incidental, consequential, or supplemental provisions as may appear to the Secretary of State to be necessary or proper for the purposes of the order.

(17) In the application of this Schedule to Scotland—

(a) "County court judgment" as used in paragraph (9) of this Schedule means a recorded decree arbitral:

(b) Any application to the sheriff as arbitrator shall be heard, tried, and determined summarily in the manner provided by section fifty-two of the Sheriff Courts (Scotland) Act, 1876, save only that parties may be represented by any person authorised in writing to appear for them and subject to the declaration that it shall be competent to either party within the time and in accordance with the conditions prescribed by act of sederunt to require the sheriff to state a case on any question of law determined by him, and his decision thereon in such case may be submitted to either division of the Court of Sessions, who may hear and determine the same and remit to the sheriff with instruction as to the judgment to be pronounced, and an appeal shall lie from either of such divisions to the House of Lords:

(c) Paragraphs (3), (4), and (8) shall not apply.

(18) In the application of this schedule to Ireland the expression "judge of the county court" shall include the recorder of any city or town, and an appeal shall lie from the Court of Appeal to the House of Lords.

THIRD SCHEDULE.

Description of Disease.	Description of Process.
Anthrax - - - -	Handling of wool, hair, bristles, hides, and skins.
Lead poisoning or its sequelæ -	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelæ.	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelæ	Any process involving the use of arsenic or its preparations or compounds.
Ankylostomiasis - - - -	Mining.

Where regulations or special rules made under any Act of Parliament for the protection of persons employed in any industry against the risk of contracting lead poisoning require some or all of the persons employed in certain processes specified in the regulations or special rules to be periodically examined by a certifying or other surgeon, then, in the application of this schedule to that industry, the expression "process" shall, unless the Secretary of State otherwise directs, include only the processes so specified.

INTERNATIONAL LABOR STATISTICS.

Important Events in the Social Movement of the Last Century.

The following list of dates, originally compiled by Professor Charles Gide in connection with his report on Social Economy at the Paris Exposition of 1900, exhibits the beginnings of important social institutions and gives in brief compass an interesting view of the great social movements of the nineteenth century. The list has been subjected to revision in some particulars, and is not here republished in all its details.

- 1802. First law regulating child labor.—England: Law for the preservation of health and morality of apprentices in cotton and woolen factories.
- 1804. Savings bank.—England, by Miss Wakefield, Tottenham.
- 1806. *Conseils des prud'hommes*. (Board of experts to adjust disputes between employers and employees).—Lyons, France.
- 1808. *Dépôts de mendicité*. (Shelter for beggars).—France (law of 5 July.)
- 1818. Agricultural labor colonies.—Holland, by Van der Bosch.
- 1825. Strikes.—England: law of 1825 recognizing right of combination.
- 1831. Protection of wages and abolition of truck system.—England.
- 1831. Workingmen's homes.—Philadelphia, Building and loan association.
- 1831. Agricultural co-operative association.—Ralahine, Ireland.
- 1831. Co-operative society of producers.—Paris, by Buchez.
- 1832. War on alcoholism.—England, Teetotalers' Society, by Livesey, Preston. (New York, Good Templars' Society, 1853.)
- 1833. Factory inspection.—England.
- 1834. School savings bank.—France, by Dulac, Le Mans.
- 1839. Protection of the homestead.—The homestead law, Texas.
- 1840. Postage stamps.—England, by Rowland Hill (Jan. 9.)
- 1842. Profit-sharing.—Paris, by Leclaire.
- 1844. Legislative limitation of women's work.—England. Ten-hour law of June 6.
- 1844. Consumers' co-operative society.—England. The Pioneers of Rochdale (Dec. 21.)
- 1846. Public health law.—England: law of August 26.
- 1848. Legislative limitation of working hours of adults.—France (12 hour day.)
- 1849. Agricultural banks.—Flammersfeld, (Rhenish Prussia), by Ralfelsen.
- 1850. State Pension Funds.—France.
- 1851. Municipal restaurant.—France by Taulier at Grenoble.
- 1851. Gratuitous legal aid.—France (law of 22 Jan.)
- 1852. Elberfeld relief system.—Germany.
- 1852. People's bank.—Germany, by Schulze of Delitzsch.
- 1856. Eight hour day.—Australia, by trade unions of Melbourne.
- 1856. Bureau of Municipal Hygiene.—Turin, Italy.
- 1861. Sunday rest.—Switzerland, Society for Sunday observance.
- 1861. Postal savings bank.—England.
- 1862. Workingmen's Club and Institute Union.—England.
- 1864. Wholesale, Co-operative (purchasing) Society.—England, Manchester.
- 1865. Gothenburg system of regulating the sale of liquor.—Sweden, by Pastor Wielselgreen.
- 1867. Employers' association for the prevention of accidents in factories.—France, Mulhouse, by Engel Dollfus.
- 1867. Exposition of social economy.—Paris, by Le Play.
- 1869. Conciliation boards.—England, Wolverhampton building trades.
- 1869. Bureau of Labor Statistics.—Massachusetts, (June 23.)
- 1870. Charity Organization Society.—London.
- 1871. Legal recognition of trade unions.—England.

1872. Workmen's representatives elected in coal mines.—England.
 1872. Night shelter.—France, Marseille.
 1872. People's Palace.—France, Mulhouse.
 1874. Union label.—San Francisco* cigarmakers' white label.
 1876. Sliding scale of wages.—England, miners of Staffordshire.
 1877. Factory councils or grievance committees. Under the name of "chambers of explanation," in the coal mines of Marlemont and Bascoup (Belgium), by Weller.
 1879. Mutual savings societies.—La Fourmi, Paris.
 1880. *Familiales de Guise*.—France, by Godin.
 1880. *Le Vooruit* (socialistic co-operation).—Ghent.
 1883. Compulsory insurance of workmen.—Germany (law against sickness, June 15, 1883; against accidents, July 6, 1884; against invalidity, June 22, 1889.)
 1884. University Settlement.—Toynebee Hall, London.
 1887. Boards or councils of industry and labor.—Belgium (law of Aug. 16.)
 1887. *Bourses du Travail*. (Workmen's exchanges).—Paris.
 1888. Garden cities.—England. Port Sunlight, by Messrs. Lever.
 1888. Government monopoly of the sale of liquor.—Switzerland.
 1889. Workmen's gardens.—Sedan, by Mme. Hervieu.
 1889. Consumers' League.—New York.
 1890. International congress for the regulation of labor.—Berlin. (15-29 March.)
 1892. Sanatoria for consumptives.—Germany, Frankfurt-on-Main.
 1893. Compulsory medical aid.—France, (law of July 15.)
 1893. Workmen's glass factory of Albl. (Socialistic association for production.)
 1893. Municipal insurance against unemployment.—Berne, Switzerland.
 1893. People's dwellings.—Rowton House, London.
 1894. Compulsory industrial arbitration.—New Zealand.
 1894. Museums of social economy.—*Musée Social* established in Paris by Comte de Chambrun.
 1896. Wages boards established to fix minimum rates of wages in industries subject to sweating.—Victoria, Australia.
 1898. People's Universities.—Paris, by M. Deherme.
 1898. Old age pensions.—New Zealand, (law of Nov. 1.)
 1900. International Association for Labor Legislation, Paris, Congress of July 25 (head quarters at Basle, Switzerland.)

Wages and Hours of Bricklayers and Masons.

According to the annual report of the secretary of the Bricklayers' and Masons' International Union about 40 percent of its local branches still work nine hours a day, while a majority (492) of the local bodies have shortened working hours to eight a day, or 44 a week. In New York, 22 of the 80 local unions reported a nine-hour schedule, the average rate of wages per hour being 50.1 cents. Ten years ago the average rate was 41 cents an hour. Notwithstanding the increase the New York average is still below that for the United States and Canada (55½ cents), although the New York City rate of 70 cents exceeds it. Ten years ago the average rate for the entire country was 43½ cents an hour, which would signify an increase of 28 percent in the ten years 1897-1906. The following table, compiled from the secretary's report, will permit a comparison in wages and hours between different sections of the country.

*Erroneously given as Illinois in the original list.

WAGE RATES IN BRICKLAYERS' UNIONS OF THE UNITED STATES AND CANADA.

STATES, TERRITORIES AND PROVINCES.	Number of unions.	UNIONS WITH SCHEDULE OF—		HOURLY WAGE RATE 1906.		Increase since 1897.
		8 hours.	9 hours.	Highest.	Average.	
				<i>Cents.</i>	<i>Cents.</i>	<i>Cents.</i>
Alabama.....	9	2	.....	62½	54½	14½
Alberta.....	3	2	.....	66½	61½	11½
Arizona.....	2	2	.....	87½	81½	11½
Arkansas.....	8	7	.....	75	63	12
British Columbia.....	2	2	.....	62½	59½	11½
California.....	.....	All	.....	75	75	12½
Colorado.....	.....	All	.....	68½	62	8½
Connecticut.....	27	24	.....	55	47½	8½
Delaware.....	2	1	.....	51	42	5½
Florida.....	10	.....	3	62½	47	10½
Georgia.....	16	.....	16	50	40½	11½
Idaho.....	.....	All	.....	75	67½	11½
Illinois.....	57	.....	27	65	57½	14
Indiana.....	42	.....	22	67½	51½	8½
Indian Territory.....	.....	All	.....	70	61	11½
Iowa.....	21	.....	11	62½	52½	12
Kansas.....	.....	All	.....	70	57	7
Kentucky.....	13	9	.....	62½	57½	13½
Louisiana.....	6	5	.....	75	66½	16½
Maine.....	13	11	.....	50	42½	9
Manitoba.....	1	.....	1	55	55	5
Maryland.....	6	.....	4	62½	54	22½
Massachusetts.....	.....	All but 1	1	60	49½	10½
Michigan.....	24	.....	22	57	48	8½
Minnesota.....	13	7	.....	60	49½	9½
Mississippi.....	8	1	.....	60	52½	12½
Missouri.....	19	14	.....	65	58½	5½
Montana.....	.....	All	.....	75	75	13½
Nebraska.....	.....	All	.....	62½	57½	7½
Nevada.....	.....	All	.....	1.00	87½	11½
New Brunswick.....	1	.....	1	40	40	6½
New Hampshire.....	9	5	.....	50	42	3
New Jersey.....	38	34	.....	65	54	15½
New Mexico.....	.....	All	.....	75	62½	11½
New York.....	80	.....	22	70	50½	9½
North Carolina.....	7	.....	7	45	34½	5½
North Dakota.....	1	.....	1	50	50	11½
Nova Scotia.....	2	.....	2	40	40	6½
Ohio.....	60	.....	35	60	50	2
Oklahoma.....	.....	All	.....	70	61	11½
Ontario.....	29	.....	23	56½	41	8½
Oregon.....	.....	All	.....	68½	66	21½
Pennsylvania.....	75	.....	48	62½	47	11½
Quebec.....	4	.....	4	45	38½	13½
Rhode Island.....	6	5	.....	50	45	7½
South Carolina.....	5	.....	5	40	37	11½
South Dakota.....	3	.....	1	62½	54½	11½
Tennessee.....	6	.....	2	70	55½	8
Texas.....	.....	All	.....	75	67½	13½
Utah.....	.....	All	.....	68½	64	6½
Virginia.....	.....	.....	.....	.....	51½	11½
Vermont.....	.....	.....	.....	.....	38	12½
West Virginia.....	.....	.....	.....	.....	55	17
Washington.....	.....	All	.....	75	68½	12½
Wisconsin.....	24	7	.....	60	48½	12½
Wyoming.....	.....	All	.....	70	70	12½
District of Columbia.....	.....	All	.....	62½	62½	12½

†Not appearing in the statistics of 1897, no comparisons could be made.

One of the main reasons, says the secretary, why so many of our unions are still on a nine-hour basis is because they are unwilling to sacrifice an hour's pay in order to obtain the reduction in the hours. In other words, these unions want both an advance of wages and a reduction of hours at one and the same time;

otherwise they choose to remain as they are. The trouble is that members of such unions are not very good students of the history that has been made in connection with the movement for a shorter workday. If they were they would have discovered the fact long ago that unions that accepted reduced hours at a sacrifice of wages were soon after in possession of the same wages as were formerly paid for the longer workday, and gradually forging ahead to still higher rates.

Census of Wages in England.

The British Board of Trade has now undertaken an extensive inquiry into earnings and hours of labor of all classes of wage workers in 1906 to be based on about 200,000 reports from employers. No such wage census has been taken in England since 1886, and the present inquiry will furnish a basis for measuring the changes that have taken place in the intervening twenty years. The particulars to be furnished include (1) the total pay-roll for one week in each month of 1906, including the total number of workers receiving wages and the amount so received; (2) the aggregate pay-roll for the year; (3) the number and earnings of workingpeople, classified by occupations, who worked full time, short time, and over-time respectively in the last week of September.

The New English Trade Disputes Act.

The famous Taff Vale decision of the British House of Lords holding trade unions responsible in damages for tortious acts and thereby causing labor men to enter politics has been reversed by an act of Parliament of December 21, 1906. "The act," says the *Board of Trade Labor Gazette*, "makes an important change in the law relating to conspiracy. By the common law persons who agree together to do an act may often be indicted for the crime of conspiracy, or sued for damages, in cases where the doing of the act by a single person would not be a crime or actionable. The Conspiracy and Protection of Property Act, 1875, provided that an agreement by two or more persons to do an act in furtherance or contemplation of a trade dispute should not be indictable as a conspiracy if such acts committed by one person would not be punishable as a crime. The new act now

goes one step further, and provides that 'an act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be objectionable.' And it is further provided that 'an action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.' It will be seen at once that these two provisions will prevent the recurrence of actions such as have occupied the time of the courts during the last few years, in which damages have been claimed against trade unions and their officials for conspiracy, inducing employers to dismiss workmen, etc. The Taff Vale Railway case decided that a registered trade union may be sued. This act now provides that a trade union may not be sued in tort, but it leaves a union liable to be sued in contract. It is further to be noticed that 'an act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.' **

The new act reverses two other recent judicial decisions on the right of combination, in addition to that in the Taff Vale Railway case, namely: (1) *Quinn v. Leatham*, in which it was held (1901) that it was an actionable wrong for union members to strike to secure the discharge of non-unionists, and (2) *Lyons v. Wilkins*, where it was decided (1899) that picketing for any purpose except to obtain or convey information was illegal. Section 2 of the act expressly legalizes peaceful picketing.

* A large amount of valuable information regarding the legal status of trade unions, strikes, picketing, etc., is assembled in the recent Report of the Royal Commission on Trade Disputes and Trade Combinations [Cd. 2825 and 2826.]

CHAPTER 47. [6 EDW. 7]

AN ACT to provide for the regulation of Trades Unions and Trade Disputes.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following paragraph shall be added as a new paragraph after the first paragraph of section three* of the Conspiracy and Protection of Property Act, 1875:—

“An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.”

2.—(1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

(2) Section seven of the Conspiracy and Protection of Property Act, 1875, is hereby repealed from “attending at or near” to the end of the section.†

3. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

4.—(1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the Trades Union Act, 1871, section nine, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

5.—(1) This Act may be cited as the Trade Disputes Act, 1906, and the Trade Union Acts, 1871 and 1876, and this Act may be cited together as the Trade Union Acts, 1871 to 1906.

(2) In this Act the expression “trade union” has the same meaning as in the Trade Union Acts, 1871 and 1876, and shall include any combination as

*The paragraph referred to reads as follows:

“3. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.”

†The paragraph repealed reads as follows:

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

therein defined, notwithstanding that such combination may be the branch of a trade union.

(3) In this Act and in the Conspiracy and Protection of Property Act, 1875, the expression "trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person, and the expression "workmen" means the last-mentioned Act, the words "between employers and workmen" shall all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section three of be repealed. [21st December 1906.]

State of Trade in Great Britain.

The condition of business in England, which had grown steadily worse from 1899-1900 to 1904, has been improving in the last two years, and 1906 was a good average year. The proportion of unemployed unionists, which had risen to 6.5 percent in 1904 fell to 5.4 percent in 1905 and 4.1 percent in 1906, and the upward tendency of wages which began in the second half of 1905 continued throughout 1906. The level of prices was higher in 1906 than in any other year of the decade, and as a result of the growing prosperity there were more wage earners involved in labor disputes than for many years.

YEAR.	Mean per-centage of trade unions members un-employment at end of each month.	Estimated increase (+) or decrease (—) in weekly wages (£1=5s)	Number of wage workers involved in disputes.	Index num-ber of whole sale prices (1900=100)
1896.....	3.4	+ \$130,760	198,190	88.3
1897.....	3.5	+ 152,470	230,267	90.1
1898.....	3.0	+ 402,860	253,907	93.2
1899.....	2.4	+ 449,080	180,217	92.3
1900.....	2.9	+ 1,033,860	188,538	100.0
1901.....	3.8	— 389,510	179,546	96.9
1902.....	4.4	— 364,325	256,667	96.5
1903.....	5.1	— 192,785	116,901	96.9
1904.....	6.5	— 196,390	87,208	98.3
1905.....	5.4	— 20,435	93,503	97.
1906.....	4.1	+ 277,730	215,446	100.5

Unemployment in France, 1901.

At the census of occupations taken in France in March, 1901, there were reported 314,530 unemployed wage earners, constituting about three percent of the entire number of employees. These figures do not include persons carrying on manufacturing

at home, nor persons employed at casual or irregular labor, but only those who usually have regular work and on the day of the census were without employment. Those who on that day were employed at some other occupation than their regular trade or profession were not included among the unemployed. The following table gives the figures for each of the census years 1896 and 1901:

OCCUPATION.	NUMBER OF EMPLOYEES.		NUMBER UNEMPLOYED.		PER CENT. UNEMPLOYED.	
	1901.	1896.	1901.	1896.	1901	1896.
Occupation not specified...	18,337	30,512	10,647	8,934	58.1	29.3
Fishing.....	30,689	24,609	870	630	2.8	2.6
Forestry.....	32,015	36,477	538	687	1.7	1.9
Agriculture and stock rais'g	2,903,807	3,261,079	46,639	37,244	1.3	1.1
Mining.....	190,281	155,581	877	1,329	0.5	0.9
Quarrying.....	60,686	55,340	909	554	1.9	10.0
Industries not specified....	7,811	6,778	3,721	1,700	47.6	2.5
Food products.....	287,968	274,740	9,534	8,436	3.3	3.1
Chemicals.....	102,339	77,023	438	401	0.4	0.5
Rubber, paper.....	66,309	54,283	1,115	1,076	1.7	2.0
Printing.....	87,549	71,092	3,340	3,126	3.8	4.4
Textiles.....	653,760	637,471	16,996	14,889	2.6	2.3
Clothing.....	490,960	430,171	32,051	29,472	6.5	6.9
Straw, feathers and hair...	18,195	15,974	831	466	4.6	2.9
Skins and hides.....	163,036	168,980	6,973	8,000	4.3	4.7
Wood working.....	376,682	334,081	19,405	16,576	5.2	5.0
Metal working.....	75,420	55,717	235	102	3.1	1.8
Common metals.....	519,206	415,936	23,823	16,931	4.6	4.1
Precious metals.....	23,361	20,428	945	1,169	4.1	5.7
Lapidary work.....	2,400	2,035	68	56	0.3	0.3
Stone working.....	33,415	29,373	4,027	3,290	12.1	11.2
Excavation, construction..	377,575	342,596	28,511	23,882	0.8	0.7
Pottery and glass.....	146,195	139,211	1,644	1,736	1.1	1.3
Transfer.....	314,590	273,065	33,612	29,491	10.6	10.8
Transportation.....	431,825	351,741	9,443	7,701	2.2	2.2
Diverse trade.....	701,135	601,108	32,635	25,750	4.7	4.3
For'n comm'ce, agenc's, etc.	21,356	21,754	545	398	2.6	1.8
Banks, insurance, etc.....	51,566	41,806	383	351	7.4	8.3
Liberal professions.....	206,760	164,624	4,456	3,512	2.2	2.1
Personal service.....	24,203	20,483	1,472	1,195	6.1	5.8
Domestic service.....	956,195	779,380	17,791	17,198	1.9	2.2
Public and general service..	1,221,216	1,159,036	38	375	10.0	10.0
Public Industries.....	76,353	56,460	18	218	10.0	10.0
Total.....	10,673,195	10,099,944	314,530	266,875	2.94	2.42

† Less than one-tenth of one per cent.

Recent Development of Labor Regulations in Government Contract Work in Austria.

The official journal of the Austrian bureau of labor statistics, *Soziale Rundschau*, December, 1906, contains an article under the above-mentioned title bringing down to date its special report of 1900 on the subject. It is worthy of note that the questions

of wages and hours are seldom included in such regulations, whereas particular care is taken to ensure the safety and health of workmen employed. The protection of citizen labor against immigrants is usually sought; thus the contracts let by the Navy Department forbid the employment of alien workmen except when native workmen can not be secured save at excessive wages. Similarly, only citizens may be employed in the construction of the government railways and wherever possible residents of the province in which the work is being performed.

The methods of dealing with a strike on public contract work have been considered by the State Council of Labor and decided as follows:

If a contractor is prevented from fulfilling his contract within the time limit agreed upon, he may be relieved of the consequences only if he proves that the strike broke out or continues through no fault of his. This proof must regularly be produced through the testimony of the government industrial inspector. Should a strike for an advance in wages succeed, the government is not bound to alter the contract price of the work. If the contractor had the right to ask for a compensation for a raise in wages, the government would be in doubt as to the final amount to be paid, and, besides, the contractor would not have any reason to refuse a demand for a raise in wages, as long as he would not have to bear the cost.

While, as remarked, it is not usual to fix the wages of laborers employed on public contract work, there are some exceptions to the rule. Thus, the city of Brünn requires contractors to pay the prevailing local wages. The Council of Labor in June, 1903, adopted the following resolution as an expression of policy: Bidders must give precise data of the wages they expect to pay, and indicated rates are the minimum they are bound to pay. The rates of wages must be considered in connection with the total amount of the bid, and, other conditions being equal, the bidder offering the highest wages should be preferred. Where there are established local rates of wages, bids including lower rates must not be considered. Wages fixed by trade agreement or any other understanding between employers' and workmens' organizations must be considered as usual local wages.

RECENT LABOR REPORTS.

UNITED STATES.

Census Bulletin No. 68: Child labor in the District of Columbia, by J. A. Hill, Bureau of the Census, Department of Commerce and Labor, Washington, 1906, 21 pages.

Census Bulletin No. 69: Child labor in the United States; based on unpublished information derived from the schedules of the twelfth census. By Jos. A. Hill of the Bureau of the Census, Washington, 1907, 200 pages.

CONNECTICUT.

Twenty-second annual report of the bureau of labor statistics for the year ended November 30, 1906. Wm. H. Scoville, commissioner, Hartford, 1906, pages 303-91.

Contents: Introduction and abstract of former reports, 16 pages; Part I, new factory construction, pages 17-62; II, industrial opportunities, pages 63-146; III, statistics of manufactures, pages 147-204; IV, operation of free public employment bureaus in Connecticut, pages 205-218; V, directory of labor organizations, pages 219-240; VI, operation of law concerning tenement-houses, pages 241-248; VII, strikes and lockouts, pages 249-303; Appendix, labor laws of Connecticut, pages 1-91.

INDIANA.

Fifth biennial report of the Indiana Labor Commission, 1905-6. L. P. McCormack, Chas. F. Woerner, commissioners. Indianapolis, 1906, 152 pages.

This Commission is similar to boards of mediation and arbitration in other states, and its report relates to its activity in the settlement of labor disputes.

IOWA.

Twelfth report of the bureau of labor statistics for the state of Iowa..for the year 1905. Edward D. Brigham, commissioner. Des Moines, 1907, 272 pages.

Contents: Factory inspection, pages 5-41; graded wages and salaries, pages 42-110; new industries for Iowa, pages 111-140; immigration, pages 141-165; social statistics of individual wage-earners, pages 166-200; railroad employees, pages 201-215; statistics of manufactures, pages 216-260; the canning industry of Iowa, pages 260-9.

MAINE.

Twentieth annual report of the bureau of industrial and labor statistics for the state of Maine, 1906. S. W. Matthews, commissioner. Augusta, 1907, 221 pages.

Contents: Factories and mills built in 1906 (5 pages); labor unions (71 pages); the manufacturing industries of Maine, compiled by the U. S. Census Bureau (18 pages); the pulp and paper industry in Maine (53 pages); Maine forests (17 pages); Maine railroads (10 pages); report of the inspector of factories, workshops, mines and quarries (17 pages).

MASSACHUSETTS.

Report of the chief of the Massachusetts district police for the year ending December 31, 1906, including the inspection and detective departments. Jos. E. Shaw, chief. Boston, 1907, 127 pages.

The number of factories inspected was 14,569 employing 618,754 operatives, of whom 17,747 were children between 14 and 16 years of age.

FOREIGN COUNTRIES.

AUSTRIA.

Arbeiterverhältnisse im Ostrau-Karwiner Steinkohlenreviere.. dargestellt vom K. K. Arbeits-statistischen Amte im Handelsministerium. II Teil; Lebens- und Wohnungsverhältnisse. Vienna, 1906, pages xxxi+109+237, quarto (paper bound).

This is the second part of the Austrian bureau of labor's report on labor conditions in the large coal mining district of Ostrau-Karwin. The first volume, published in 1904, described the working conditions — wages, hours of labor, etc., while the present report is concerned with the home life of the miners — their families, property, dwellings, living expenses, etc.

Strikes and lockouts in 1905 (Die Arbeitseinstellungen und Aussperrungen in Oesterreich während des Jahres 1905; Herausgegeben vom K. K. Arbeits-statistischen Amte im Handelsministerium, Wien, 1906, 419 pages (paper covers)).

BELGIUM.

Monographies industrielles: XIV, Fabrication et mise en oeuvre du papier et du carton. Bruxelles, 1906, 200 pages, illustrated (paper covers).

The Belgium bureau of labor has begun the publication of a series of monographs describing the manufacturing industries of the country in their economic, technical and commercial aspects. The above-mentioned volume, which is the third issued, treats of the manufacture of paper and paper goods and is illustrated with photographic reproductions of important factories, machine drawings, etc. The economic significance of the industry is described in an introductory chapter, which includes statistics of wages, hours of labor, etc., of the workmen employed.

Rapports annuels de l'inspection du travail; 11me année, 1905. Office du travail, Ministère de l'industrie et du travail, Bruxelles, 1906, 343 pages.

A collection of reports from the factory inspectors of the nine districts, together with a general report on medical inspection in factories.

CANADA.

Report of the Department of Labour for the year ended June 30, 1906. W. L. Mackenzie King, Deputy Minister of Labour. Ottawa, 1907, 127 pages (paper bound).

As the main body of information published by the Department is printed in the monthly *Labour Gazette* and special reports, the regular annual report is mainly devoted to an account of the Department's operations, discussed under the following heads: The *Labour Gazette*; conciliation and arbitration; the carrying out of the Fair Wages Resolution of the House of Commons of March, 1900; the administration of the Railway Labor Disputes Act; the protection of labor to be employed in the construction of the Grand Trunk Pacific Railway; action of the Department of Labour in reference to false representation to induce or deter immigration; the administration of the Alien Labor Laws; strikes and lockouts in Canada during the fiscal year 1905-06; industrial accidents in Canada during the fiscal year 1905-06; the library of the Department; the circulation of the *Labour Gazette*; the distribution of the *Labour Gazette* and other publications of the Department; inquiries, correspondence and other work of the Department; revenue and expenditure.

FRANCE.

The statistical year-book of France (*Annuaire Statistique*, 1905) contains the following figures in relation to factory inspection in the past decade:

YEARS.	Inspect- ors.	Establish- ments sub- ject to inspection.	Employees.	Violations discovered.	Prosecu- tions.	Amount of fines.
1894.....	107	267,906	2,454,943	\$6,018	704	\$4,673
1895.....	106	286,763	2,522,135	10,635	1,332	8,290
1896.....	106	296,797	2,673,314	13,837	1,612	10,700
1897.....	106	290,305	2,591,288	9,156	1,264	7,900
1898.....	105	299,468	2,633,570	6,033	1,352	5,725
1899.....	105	309,675	2,715,569	11,607	1,837	9,100
1900.....	105	309,377	2,802,006	11,370	2,776	16,050
1901.....	105	327,703	2,865,832	20,829	2,836	17,750
1902.....	121	322,289	2,855,369	16,374	2,478	15,000
1903.....	121	528,703	3,550,829	22,648	2,980	18,450
1904.....	121	508,849	3,662,167	21,066	3,233	16,675

ITALY.

Le Organizzazioni di lavoratori in Italia. Federazioni di Mestiere. 1. La Federazione dei Capellai. Pages 155 (paper). 2. La Federazione Edilizia. Pages 71 (paper). Pubblicazioni dell' Ufficio del Lavoro Serie B-N 10 and 11, Roma, 1906.

The first two of a series of reports by the Italian bureau of labor, on workmen's organizations. The first deals with the hat and cap makers' unions, and the second with the organizations of the building trades.

Dati statistici sul mercato del lavoro in agricoltura nel 1905. Pubblicazioni dell' Ufficio del Lavoro, Serie B-N 13. Roma, 1906, 83 pages (paper covers).

A statistical account of the condition of agricultural labor with regard to wages, hours, division of labor and condition of women and children.

Inchiesta sul lavoro notturno dei fornai. Pubblicazioni dell' Ufficio del Lavoro, Serie B-N 14. Roma, 1906, pages 106 (paper).

An investigation concerning the night work of bakers, with an account of foreign legislation.

Le correnti periodiche di migrazione interna in Italia durante il 1905. Pubblicazioni dell' Ufficio del Lavoro, Serie B-N 15. Roma, 1907, pages 366 (paper covers).

APPENDIX.

STATISTICAL TABLES.

- I.** Record of the Deputy Factory Inspectors, October-December, 1906.
- II.** Children's employment certificates issued in October, November and December.
- III.** Licenses issued for manufacturing in tenements.
- IV.** Accidents reported in factories and quarries, October-December:
 - (a). Age and sex of persons injured.
 - (b). Causes and consequences of injuries.
- V.** Number and percentage of unemployed members of representative trade unions, July-December.
- VI.** Causes of idleness.
- VII.** Idleness in New York City at the end of December.
- VIII.** Growth of organized labor in New York cities, 1897-1906.
- IX.** Membership and idleness in trade unions in each county, September, 1906.
- X.** Immigration at the Port of New York, October-December:
 - (a). Destination.
 - (b). Race or country of origin.
- XI.** Occupations of aliens admitted in year ending June, 1906.
- XII.** Building operations in New York City, October-December.
- XIII.** Building operations in Buffalo, Rochester, Syracuse and Troy.

BUREAU OF FACTORY INSPECTION.

Table 1.—Record of the Deputy Factory Inspectors.

	FOURTH QUARTER, 1906.				FOURTH QUARTER, 1905.
	Oct.	Nov.	Dec.	Total.	
Regular inspections:					
Factories in separate buildings.....	1,284	1,329	1,177	3,790	8,226
Tenant factories.....	1,439	1,970	1,759	5,168	
Laundries.....	159	166	159	484	
Bakeries.....	979	403	244	1,626	781
Mines or quarries.....	11	.....	.....	11	.....
Tenant factory buildings.....	24	11	19	54	.....
Tenement buildings (licensed).....	101	125	247	473	**
Total.....	3,997	4,004	3,605	11,606	9,007
Special inspections (factories, laundries bakeries).....	211	120	108	439	*
Investigations:					
Accidents.....	.....	.....	.....	.....	57
Applications for license.....	256	336	298	890	1,315
Complaints.....	92	59	66	217	193
Compliances (No. of establishments).....	2,764	2,397	3,099	8,260	1,080
On special orders.....	65	110	35	210	*
Total.....	3,177	2,902	3,498	9,577	2,645
Observations—Tenement buildings (unli- censed).....	113	127	371	611	.....
Tagging, to stop work:					
Goods in tenements (\$100).....	30	39	29	98	29
Goods in tenant factories (\$95).....	48	33	25	106	.....
Articles in bakeries (\$114).....	2	1	1	4	.....
Unsafe machinery (\$81).....	.....	.....	.....	.....	.....
Scaffolding (\$19).....	1	.....	.....	1	*
Total.....	81	73	55	209	29
Prosecutions begun.....	44	34	21	99	*
Days or parts of days on court work.....	37½	57½	44	139½	*
Days consumed by illness or travel.....	58	29	78½	165½	*
Days absent by leave or vacation.....	43½	125	25	193½	*

*No record.

**Licensed and unlicensed apartments inspected—79.

BUREAU OF FACTORY INSPECTION.

Table II.—Number of Children's Employment Certificates Issued by Boards of Health in First and Second Class Cities.

CITY.	FOURTH QUARTER, 1906.				FOURTH QUARTER, 1905.
	Oct.	Nov.	Dec.	Total.	
New York City:					
Bronx Borough.....	194	132	85	411	190
Brooklyn Borough.....	161	80	52	293	245
Manhattan Borough.....	1,258	844	578	2,680	2,417
Queens Borough.....	64	46	20	130	118
Richmond Borough.....	15	13	8	36	34
Total—New York City.....	1,692	1,115	743	*3,550	*3,004
Buffalo.....	108	76	50	234	145
Rochester.....	64	57	42	163	149
Syracuse.....	65	59	54	178	138
Albany.....	21	19	9	49	32
Troy.....	37	28	12	77	31
Utica.....	34	13	43	90	70
Yonkers.....	5	18	4	27	21
Schenectady.....	32	15	15	62	4

*Includes "mercantile" as well as "manufacturing" certificates.

BUREAU OF FACTORY INSPECTION

Table III.—Licenses for Tenement Manufactures.

	FOURTH QUARTER, 1906.			Total Oct. 1, 1904, to Dec. 31, 1906.
	New York City.	Remain- der of State.	Total.	
Applications pending September 30, 1906.....	79.....		79	.....
Applications received.....	380	3	383	8,199
Total.....	459	3	462	8,199
(1) Applications for dwellings with- out clear record from local health or tenement-house authorities and therefore.....	refused 73		73	1,738
(2) Applications for dwellings with clear record from health and tenement-house authorities, in- vestigated by factory inspector and	granted 230		230	3,779
	refused 32		32	1,370
	standing* 16		16	195
(3) Applications for shop buildings investigated by factory inspector and	granted 4	3	7	634
	refused 2		2	167
	standing*			2
Applications refused† in class 1 with subsequent report of compliance with orders of health of tenement- house authorities, investigated by factory inspector and.....	granted 124		124	766
	refused 32		32	354
Applications refused† in classes 2 or 3, subsequently re-investigated and.....	granted 143		143	1,144
	refused 122		122	732
	at			
Total applications granted.....	501	3	504	6,323
Total applications refused (net).....	160		160	1,365
Total applications standing*.....	16		16	197
Applications cancelled by applicants.....	9		9	196
Applications duplicated.....	1		1	26
Applications pending Dec. 31, 1906.....	92		92	92
Licenses cancelled at request of applicants.....	12		12	115
Licenses revoked for unlawful conditions.....				4
Net increase in outstanding licenses.....	489	3	492	.....
Licenses outstanding September 30, 1906.....	5,261	451	5,712	.....
Licenses outstanding December 31, 1906.....	5,760	454	6,204	6,204

*These are cases in which investigation showed no work being done or likely to be done on the premises and in which no further application for the license was received after investigation.

†In present or previous quarters.

‡The number of buildings held to be below the requirements for licensing was 1,525 at the beginning of the quarter. Of this number, 160 upon re-application and after re-inspection obtained licenses, leaving 1,365 as the net number of rejected applications.

TABLE IV.—ACCIDENTS IN FACTORIES AND QUARRIES, OCTOBER—DECEMBER:

(a) Age and Sex of Persons Injured.

CAUSE. [n. e. s.—Not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +	Age not stated.	TOTAL.	Male.	Fem.
MECHANICAL POWER.							
Transmission of power:							
Motors (engines, dynamos, flywheels).....		3	41	....	44	44	....
Air fans, steam pumps, etc.....		....	9	....	9	9	....
Gearing.....	2	10	98	1	111	101	10
Set screws.....		1	12	....	13	12	1
Shafting.....		....	22	1	23	22	1
Belts and pulleys.....	4	11	86	....	101	96	5
Conveying and hoisting machinery and apparatus:							
Elevators and lifts.....	8	8	81	2	99	95	4
Cranes (steam, electric, portable, etc.).....		1	34	....	35	35	....
Hoisting and conveying apparatus, n. e. s.....		7	233	....	240	238	2
Locomotives and trains.....		1	59	....	60	60	....
Wood working machines:							
Saws.....	3	11	167	1	182	182	....
Planers.....		3	34	....	37	37	....
Jointers.....		....	32	1	33	33	....
Shapers.....		1	17	....	18	18	....
Lathes.....		....	2	....	2	2	....
Heading machines.....		....	1	....	1	1	....
Other wood working machines.....	1	5	25	....	31	30	1
Paper and printing machinery:							
Barkers.....		2	10	....	12	12	....
Calendars, etc.....		8	58	....	66	65	1
Paper cutting, stitching and staying.....	2	20	52	....	74	51	23
Printing presses.....	2	5	21	....	28	26	2
Textile machinery:							
Picking machines.....		....	8	....	8	6	2
Carding machines.....		....	18	1	19	18	1
Spinning machines.....		3	11	1	15	10	5
Looms.....		....	19	....	19	6	13
Formers, knitting machines.....	5	4	35	....	44	28	16
Sewing machines, etc.....		4	15	....	19	9	10
Laundry machines.....		3	5	....	8	5	3
Leather working machinery.....		3	22	....	25	24	1
Metal working machinery:							
Stamping machines.....	5	42	165	2	214	170	44
Drilling and milling machines.....	1	16	87	....	104	102	2
Screw machines.....		....	7	....	7	7	....
Lathes.....		3	28	....	31	31	....
Drop and steam hammers.....		....	34	1	35	35	....
Shears.....		5	27	....	32	31	1
Rollers.....		1	34	....	35	35	....
Other.....		8	143	1	152	144	8
Polishing machines:							
Contact with grindstones, etc.....	2	4	46	....	52	52	....
Struck by fragments of polishing wheels.....		5	28	1	34	34	....
Other.....		2	20	1	23	23	....
Machines used in bakeries, etc.....		3	11	....	14	11	3
Machinery not elsewhere specified.....	2	10	75	....	87	81	6
Total.....	37	213	1,932	14	2,196	2,031	165
HEAT AND ELECTRICITY.							
Explosives (powder, dynamite, etc.).....		....	19	2	21	21	....
Explosion and ignition of gases.....		....	6	....	6	6	....
Explosion of boilers and steam-pipes.....		2	17	....	19	18	1
Other injuries from steam and hot liquids.....		....	46	....	46	45	1
Caustics.....	1	....	16	....	17	17	....
Explosion of molten metal.....		1	3	1	5	5	....
Other accidents from molten metal.....	1	4	108	....	113	112	1
Vats, pans, etc. (containing hot liquids, etc.).....		....	15	....	15	15	....
Electricity.....		1	53	....	54	53	1
Fire and heat, n. e. s.....	2	....	74	....	76	74	2
Total.....	4	8	357	3	372	366	6

TABLE IV—ACCIDENTS IN FACTORIES AND QUARRIES, OCTOBER—DECEMBER—Continued:
(a) Age and Sex of Persons Injured.

CAUSE. [n. e. s.—Not elsewhere specified.]	Under 16 years.	16—18 years.	18 years +	Age not stated.	TOTAL.	Male.	Fem.
FALL OF PERSON.							
Fall from ladder, scaffold, platform, etc.	....	1	57	....	58	58	....
Fall from machinery, trucks, engines, etc.	....	....	38	....	38	38	....
Fall caused by collapse of support.	....	1	55	....	56	55	1
Fall through opening in floor.	....	1	30	....	31	31	....
Fall in holstway, shaft, etc.	....	3	16	....	19	19	....
Fall on stairs, steps, etc.	....	1	19	....	20	20	....
Fall on level by slipping.	....	5	30	....	35	25	10
Fall on level by tripping.	....	1	28	1	30	26	4
All others.	1	4	76	1	82	80	2
Total.	1	17	349	2	369	352	17
INJURED BY WEIGHTS.							
Falling rock and earth (quarrying, etc.).	....	1	44	....	45	45	....
Falling pile of material.	....	....	67	....	67	67	....
Falling walls, doors, and other objects	....	4	200	1	205	204	1
Tools or weights dropped by person injured.	....	....	65	....	65	65	....
Falling objects dropped by other persons	....	1	11	....	12	12	....
Heavy materials or parts on which in- jured persons were at work.	....	2	67	....	69	69	....
Machinery being moved.	....	....	49	....	49	49	....
Fall of materials from trucks in transit.	....	1	29	....	30	30	....
Handling of castings, flasks, etc.	....	7	139	1	147	147	....
Handling of stone, ore, etc.	....	....	45	....	45	45	....
Handling of lumber and other materials	....	4	63	....	67	67	....
Loading or unloading.	....	1	155	....	156	156	....
Cause insufficiently described for clas- sification.	....	....	20	....	20	20	....
Total.	....	21	954	2	977	976	1
FLYING OBJECTS.							
Struck in eye by piece of metal, etc.	....	2	128	....	130	130	....
Other injuries from flying objects.	....	1	55	....	56	55	1
Total.	....	3	183	....	186	185	1
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.	1	4	91	....	96	95	1
MISCELLANEOUS.							
Hand tools (hammers, wrenches, files, etc.).	....	6	102	1	109	109	....
Tools in hands of fellow workmen.	....	1	44	....	45	45	....
Injured while fitting and assembling, n. e. s.	....	1	44	....	45	45	....
Hand caught on nail, sharp wire, sharp projection, etc.	....	3	67	....	70	70	....
Hand cut on glass.	....	1	9	....	10	10	....
Injured by stepping on nail, sliver, etc.	1	5	69	....	75	66	9
All other causes.	1	3	59	3	66	66	....
Total.	2	20	394	4	420	411	9
GRAND TOTAL.	45	286	4,260	25	4,616	4,416	200

TABLE IV—Continued: (b) Causes and Results of Accidents

CAUSE. [n. e. s.—Not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, fly wheels, etc.)	44	12	1	6	4	
Air fans, steam pumps, etc.	9			3	1	
Gearing	111	34		10	6	
Set screws	13	3		2	2	
Shafting	23	3		1	1	1
Belts and pulleys	101	15	1	21	9	3
Conveying and hoisting machinery:						
Elevators and lifts	99	11		3	24	1
Cranes (steam, electric, portable, etc.)	35	2		3	16	3
Hoisting and conveying apparatus, n. e. s.	240	37	2	12	49	10
Locomotives and trains	60	4		1	11	
Wood working machines:						
Saws	182	41		29	4	
Planers	37	8		5	2	
Jointers	33	2		5		
Shapers	18	5		4		
Lathes	2					
Heading machines	1					
Other wood working machines	31	8		11		
Paper and printing machinery:						
Barkers	12			1		
Calendars and other paper making machines	66	17	1	7	15	2
Paper cutting, stitching and staying machines	74	18		9	6	3
Printing presses	28	7		1	2	
Textile machinery:						
Picking machines	8	3				
Carding machines	19	6		6		
Spinning machines	15	2		2	1	1
Looms	19	2		7	6	1
Formers, knitting machines and other textile machinery	44	11	1	6	3	
Sewing machines, etc.	19	1		6	1	
Laundry machines	8		1	1		1
Leather working machinery	25	3		6	2	
Metal working machinery:						
Stamping machines	214	32		20	11	
Drilling and milling machines	104	26		19	8	3
Screw machines	7			4		
Lathes	31	10		6	1	
Drop and steam hammers	35	3		6	5	
Shears	32	5		5	3	
Rollers	35	8	2	1	6	1
Others	152	31		18	23	1
Polishing machines:						
Contact with grindstones, emery wheels, etc.	52	16	1	10	2	
Struck by fragments of polishing wheels	34	4		4	3	
Other	23	8		6	2	
Machines used in bakeries, confectionery establishments, etc.	14	4		1		
Machines not elsewhere specified	87	18	1	22	6	1
Total	2,196	420	11	290	237	32
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.)	21				2	
Explosion and ignition of gases	6		6			
Explosion of boilers and steam pipes	19		10	2		1
Other injuries from steam and hot liquids	46		41			
Caustics	17		13			
Explosion of molten metals	5		4			
Other accidents from molten metal	113		89			
Vats, pans, etc. (containing hot liquids or caustics)	15		12			
Electricity	54		30			
Fire and heat, n. e. s.	76		62			
Total	372		267	2	2	1

*One not an employee.

in Factories and Quarries October 1—December 31, 1906.

DISABLEMENT.				Serious injuries, probably per- manent.	PERMANENT DISABLEMENT.							Death.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internal injury.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
3	3	1	30	4			7	1	1	9	1	
	6	1	4	1			4					
	5		57	13	1	2	35		2	40	*1	
	10		12	1								
	19	1	16	4					1	1	2	
9			78	8		1	4	1	6	12	3	
4	21	1	65	14		1	1	1	1	4	16	
2			26	6					2	2	1	
9	33	2	155	44		1	17	5	12	35	6	
7	7	1	31	16	1		2	1	1	5	8	
1	9	3	87	26			61	2	6	69		
1	2	1	19	4	1		13			14		
			7	3		1	22			23		
	1		10	1			7			7		
				2								
	2		21	2			8			6		
			1	3			8			8		
1	5		48	9		1	6		1	8	1	
1		4	41	17			11		3	14	2	
1	3		14	8			4		2	6		
			3	2	1		2			3		
			12	1			4		1	5	1	
	5		11	2			2			2		
1	1		18						1	1		
5	1	4	31	6		1	6			7		
		9	17				1		1	2		
			5	1	1					2		
1	1	2	15	2			8			8		
	3	2	68	42			103		1	104		
1	2	6	65	24			12		2	15		
	1		5	1			1			1		
1	2	2	20	3			7			7	1	
2			18	9			8			6		
			13	7			12			12		
2	3	1	24	5	2		2		2	6		
2	8	8	91	28	1	1	28	1	2	33		
	4	4	27	5			9		1	10		
	2	14	27	3			2		2	4		
		2	18	1			3	1		4		
			5	2			4		1	5	2	
1	10	2	61	10			10	1	4	15	1	
55	100	72	1,286	241	8	9	434	1	14	57	523	46
	5		7	4	1			4		1	6	4
			6									
	1	1	15	1						1	1	2
			42	2	1						1	1
		1	14	3								
			4	1								
	5		94	19								
			12	2								
	4	10	44	1			1		1	2	1	
	6		68	7							7	1
	22	12	306	40	2		1	4	3	10	16	

TABLE IV.—(b) Causes and Results of Accidents in Factories

CAUSE. [n. e. s.—Not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.	58	3		4	10	7
Fall from machinery, trucks, engines, etc.	38	1		3	5	6
Fall caused by collapse of support.	56	4		2	10	8
Fall through opening in floor.	31	2			6	2
Fall in hoistway, shaft, etc.	19	1			2	
Fall on stairs, steps, etc.	20				4	6
Fall on level by slipping.	35	2		7	6	7
Fall on level by tripping.	30	4	1	5	3	5
All others.	82	9		14	12	8
Total.	369	26	1	35	58	49
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.)	45	7		6	16	
Falling of pile of material (lumber, coal, cement, etc.)	67	10		4	22	1
Falling walls, doors and other objects.	†205	41		31	75	1
Tools or weights dropped by person injured.	65	21	1	4	30	1
Falling objects dropped by other persons.	12	6		1	1	
Heavy materials or parts on which injured persons were at work.	69	16		6	27	
Machinery being moved.	49	10		5	17	1
Fall of material from trucks in transit.	30	3		2	17	1
Handling of castings, flasks, etc.	147	42		8	39	11
Handling of stone, ore, etc.	45	6		4	14	5
Handling of lumber, paper and other materials.	†67	12		6	26	5
Loading or unloading.	†156	40		9	54	10
Cause insufficiently described for classification.	20	4		2	4	1
Total.	977	218	1	88	342	37
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.	130	2	6	14	5	
Other injuries from flying objects.	56	17	1	22	8	
Total.	186	19	7	36	13	
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.						
	96	23		3	39	2
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.)	109	24	1	38	30	
Tools in hands of fellow workmen.	45	11		9	10	
Injured while fitting and assembling, n. e. s.	45	7		16	8	2
Hand caught on nail, wire, sharp projection, etc.	70	18		27	1	
Hand cut on glass.	10	2		7		
Injured by stepping on nail, sliver, etc.	75	20		11	2	2
All other causes.	66	6		7	9	9
Total.	420	88	1	115	60	13
GRAND TOTAL.	4,616	794	288	569	751	134

†Includes one, nature of injury not reported.

and Quarries October 1—December 31, 1906.—Concluded.

DISABLEMENT.				Serious injuries, probably permanent.	PERMANENT DISABLEMENT.							Death.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internal injury.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
7	17	1	49	3					3		3	
5	11	2	33	3					1		1	
5	17	3	49	3					2		2	
6	11		27	3							2	
1	7		11	2					1		1	
2	5		19								1	
2	2	2	34	1			1		1		2	
4	2		26									
6	21	3	73	2				1	5		6	
46	93	13	321	15			1	1	13	9	24	
4	4	1	38	1					2	1	3	
4	12	2	55	6						1	5	
9	23	2	181	14			4		2	5	9	
3	2	1	63	1			2			1	1	
1	2		11									
3	5	4	61	3			4			1	5	
2	7	1	43	2			2		2		4	
	3	1	27				3				3	
10	9	3	122	9	1		9		3	3	16	
7	1	1	38	2			1			2	3	
4	4	4	61	2			2		1		3	
12	10	5	140	7			6		1	1	8	
1	3		15	1			3				3	
60	84	25	855	48	1		36		11	15	63	
	2	65	94	28						1	8	
	2	4	54				1	7		1	2	
	4	69	148	28			1	7		2	10	
4	15	2	88	4			1		1		2	
	5	2	100	3			5			1	6	
3	4	1	38	1			3		2	1	6	
1	2	3	39	6								
	5	16	67	1			1			1	2	
			9	1								
	2	38	75									
	6	17	56						2	3	5	
6	24	77	384	12			9		4	6	19	
171	411	270	3,388	488	11	9	483	13	43	92	651	

TABLE V.—NUMBER OF UNEMPLOYED MEMBERS OF

INDUSTRIES OR GROUPS OF TRADES.	Unions.	MEMBERS REPORTING.				
		July.	Aug.	Sept.	Oct.	Nov.
1. Building, Stone Working, Etc.....	54	30,567	30,471	29,817	28,485	29,332
Stone working.....	2	2,153	2,160	1,169	1,160	1,171
Building and paving trades.....	47	25,579	25,476	25,911	24,737	25,640
Building and street labor.....	5	2,835	2,835	2,737	2,538	2,521
2. Transportation.....	38	17,228	17,305	17,391	17,299	17,243
Railways.....	26	6,278	6,355	6,396	6,306	6,238
Navigation.....	2	4,380	4,350	4,350	4,350	4,350
Teaming and cab driving.....	5	3,506	3,504	3,584	3,512	3,524
Freight handling.....	4	1,864	1,371	1,261	1,311	1,291
Telegraphs.....	1	1,700	1,725	1,800	1,820	1,840
3. Clothing and Textiles.....	18	8,119	7,957	8,343	8,144	8,145
Garments.....	11	5,496	5,300	5,456	5,330	5,378
Hats, caps and furs.....	3	908	942	995	997	903
Boots, shoes and gloves.....	2	1,300	1,300	1,475	1,400	1,450
Textiles.....	2	415	415	417	417	414
4. Metals, Machinery and Shipbuilding.....	26	8,678	8,923	8,760	8,839	8,871
Iron and steel.....	22	7,579	7,780	7,605	7,684	7,715
Metals other than iron and steel.....	3	497	504	511	527	528
Shipbuilding.....	1	602	639	644	628	628
5. Printing, Binding, Etc.....	2	6,817	6,832	6,883	6,931	6,918
6. Wood Working and Furniture.....	10	3,193	3,213	3,358	3,132	3,166
7. Food and Liquors.....	12	4,005	4,004	4,309	4,311	4,302
Food products.....	7	1,510	1,505	1,791	1,837	1,817
Beverages.....	5	2,495	2,499	2,518	2,474	2,485
8. Theaters and Music.....	3	1,487	1,510	1,512	1,347	1,450
9. Tobacco.....	6	3,423	3,428	3,423	3,409	3,407
10. Restaurants and Retail Trade.....	8	2,795	2,823	2,659	2,701	2,743
Hotels and restaurants.....	6	2,601	2,629	2,464	2,517	2,559
Retail trade.....	2	194	194	195	184	184
11. Public Employment.....	2	2,239	2,233	2,217	2,209	2,216
12. Steam Engine Men.....	5	3,548	3,063	3,106	2,878	2,852
13. Miscellaneous.....	11	2,472	2,458	2,502	2,427	2,404
Paper and paper goods.....	3	617	593	614	609	609
Barbering.....	3	750	749	749	774	769
Leather and leather goods.....	2	255	240	230	208	193
Glass and glassware.....	2	507	525	571	525	525
Other trades.....	1	343	351	338	311	308
Total.....	195	94,571	94,220	94,280	92,062	93,049

REPRESENTATIVE TRADE UNIONS, JULY—DECEMBER, 1906.

Dec.	NUMBER IDLE.						PERCENTAGE IDLE.					
	July.	Aug.	Sept.	Oct.	Nov.	Dec.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
29,382	3,301	2,114	1,908	2,086	3,004	5,656	10.8	6.9	6.4	7.3	10.2	19.2
1,171	468	465	341	2,202	344	346	21.7	21.5	29.2	17.4	20.4	29.5
25,678	2,433	1,609	1,554	1,713	2,474	4,474	9.5	6.3	6.0	6.9	9.6	17.4
2,533	400	40	13	171	186	836	14.1	1.4	0.5	6.7	7.4	33.0
17,366	747	563	795	752	783	5,048	4.3	3.3	4.6	4.3	4.5	29.1
6,295	205	196	197	190	220	194	3.3	3.1	3.1	3.0	3.5	3.1
4,350	110	100	81	60	60	4,250	2.5	2.3	1.9	1.4	1.1	97.7
3,558	415	226	477	478	500	592	11.8	6.4	13.3	13.6	14.2	16.6
1,303	17	41	40	24	13	12	1.2	3.0	3.2	1.8	1.0	0.9
1,890							0.0	0.0	0.0	0.0	0.0	0.0
8,213	426	282	671	766	681	942	5.2	3.5	8.0	9.4	8.4	11.5
1,429	413	249	364	306	542	900	7.5	4.7	6.7	5.7	10.1	16.6
920		25	137	1	131	28	0.0	2.7	13.8	0.1	14.5	3.0
1,450	7	8	170	450			0.5	0.6	11.5	32.1	0.0	0.0
414			9	8	14		0.0	0.0	0.0	2.2	1.9	3.4
8,916	304	357	246	705	663	553	3.5	4.0	2.8	8.8	7.5	6.2
7,742	282	318	226	272	227	412	3.7	4.1	3.0	3.5	2.9	5.3
538				5	8	13	0.0	0.0	0.0	0.9	1.5	2.4
628	22	39	20	428	428	128	3.7	6.1	3.1	68.2	68.2	20.4
6,858	1,076	1,073	1,065	1,097	995	906	15.8	15.7	15.5	15.8	14.4	13.2
3,197	430	349	362	235	217	411	13.5	10.9	9.0	7.5	6.9	12.9
4,291	225	220	312	261	235	255	5.6	5.5	7.2	6.1	5.5	5.9
1,818	211	191	246	191	176	172	14.0	12.7	13.7	10.4	9.7	9.5
2,473	14	29	66	70	59	83	0.6	1.2	2.6	2.8	2.4	3.4
1,457	369	162	64	98	98	99	24.8	10.7	4.2	7.3	6.8	6.8
3,422	176	106	247	92	81	213	5.1	3.1	7.2	2.7	2.4	6.2
2,741	72	48	189	133	122	108	2.6	1.7	7.1	4.9	4.4	3.9
2,556	49	30	186	131	120	103	1.9	1.1	7.5	5.2	4.7	4.0
186	23	18	3	2	2	5	11.9	9.3	1.5	1.1	1.1	2.7
2,228	43	49	32	26	26	42	1.9	2.2	1.5	1.2	1.2	1.9
2,864	27	64	74	55	54	48	0.8	2.1	2.4	1.9	1.9	1.7
2,392	39	75	53	77	93	71	1.6	3.1	2.1	3.2	3.9	3.0
604				2	2		0.0	0.0	0.0	0.3	0.3	0.0
776	11	9	5	28	46	18	1.5	1.2	0.7	3.6	6.0	2.3
190	15	10	10	8	9	15	5.9	4.2	4.3	3.8	4.7	7.9
525	2	43	26	22	22	22	0.4	8.2	4.6	4.2	4.2	4.2
297	11	13	12	17	14	16	3.2	3.7	3.6	5.5	4.5	5.4
98,318	7,229	5,462	5,959	6,383	7,052	14,352	7.6	5.8	6.3	6.9	7.6	15.4

TABLE VI.—CAUSES OF IDLENESS AMONG

INDUSTRIES OR GROUPS OF TRADES.	LABOR DISPUTES.					
	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1. Building, Stone Working, Etc.	973	100	46	100	50	36
Stone working						
Building and paving trades.....	873	70	46	100	50	36
Building and street labor	100	30				
2. Transportation	13		75			
Railways	15					
Navigation						
Teaming and cab driving			75			
Freight handling						
Telegraphs						
3. Clothing and Textiles.....	179	25	25	100	100	122
Garments	179	25	25	100	100	122
Hats, caps and furs						
Boots, shoes and gloves						
Textiles						
4. Metals, Machinery and Shipbuilding	53	20	46	450	430	135
Iron and steel	53	20	46	22	2	7
Metals other than iron and steel						
Shipbuilding				428	428	128
5. Printing, Binding, Etc.	601	573	527	476	392	360
6. Wood Working and Furniture	5	3				
7. Food and Liquors						
Food products						
Beverages						
8. Theaters and Music			10			
9. Tobacco	2		5			
10. Restaurants and Retail Trade.....						
Hotels and restaurants						
Retail trade						
11. Public Employment						
12. Steam Engine Men						
13. Miscellaneous		6	6	6	6	6
Paper and paper goods						
Barbering						
Leather and leather goods						
Glass and glassware		6	6	6	6	6
Other trades						
Total	1,828	727	740	1,132	978	659

MEMBERS OF REPRESENTATIVE TRADE UNIONS.

DISABILITY.						ALL OTHER REASONS.					
July.	Aug.	Sept.	Oct.	Nov.	Dec.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
93	111	259	249	248	318	2,235	1,903	1,603	1,737	2,706	5,302
		8	2		2	468	465	333	200	344	344
93	109	238	245	244	306	1,467	1,430	1,270	1,368	2,180	4,132
	2	13	2	4	10	300	8		169	182	826
167	155	169	190	224	204	565	408	551	562	559	4,844
155	127	138	161	171	163	35	69	59	29	49	31
10	10	6	8	10	12	100	90	75	52	40	4,238
2	12	20	17	40	27	413	214	382	461	460	555
	6	5	4	3	2	17	35	35	20	10	10
86	71	127	42	65	107	153	186	519	624	516	713
79	38	80	41	39	79	155	186	259	165	403	699
	25	27	1	26	28			110		105	
7	8	20						150	450		
									9	8	14
136	109	136	105	115	122	115	228	64	150	118	296
136	109	116	103	115	122	93	189	64	147	110	283
			2						3	8	13
		20				22	39				
280	294	282	318	314	318	195	206	256	303	289	228
32	42	63	30	26	28	393	304	239	205	191	383
14	9	21	18	22	34	211	211	291	243	213	221
10	6	12	9	4	3	201	185	234	182	172	169
4	3	9	9	18	31	10	26	57	61	41	52
12	12	2	8	8	9	357	150	52	90	90	90
57	51	61	57	55	77	117	55	181	35	26	136
14	11	26	13	32	24	58	37	163	120	90	84
11	5	23	11	30	21	38	25	163	120	90	82
3	6	3	2	2	3	20	12				2
43	49	33	26	26	42						
5	5	5	4	3	3	22	59	69	51	51	45
14	20	14	25	24	26	25	49	33	46	63	39
									2	2	
1	4	2	5	6	6	10	5	3	23	40	12
			2	3	3	15	10	10	6	6	12
2	2		1	1	1		34	20	15	15	15
11	13	12	17	14	16						
953	939	1,198	1,085	1,162	1,312	4,448	3,796	4,021	4,166	4,912	12,381

TABLE VII.—IDLENESS IN NEW YORK CITY AT THE END OF DECEMBER.

INDUSTRIES OR GROUPS OF TRADES.	Un- ions.	Mem- bers.	Num- ber idle.	Per cent idle.	IDLE ON ACCOUNT OF		
					Labor dis- putes.	Dis- ability.	Other rea- sons.
1. Building, Stone Working, Etc.	30	22,634	4,439	19.6	36	209	4,194
Stone working.	1	1,000	200	20.0	.....	.....	200
Building and paving trades.	26	19,255	3,472	18.0	36	199	3,237
Building and street labor.	3	2,379	767	32.2	.....	10	757
2. Transportation.	8	6,571	612	9.3	.....	32	580
Railways.	2	633	12	1.9	.....	7	5
Teaming and cab driving.	3	3,150	590	18.7	.....	25	565
Freight handling.	2	928	10	1.1	.....	.....	10
Telegraphs.	1	1,860	.....	0.0	.....	.....	.....
3. Clothing and Textiles.	10	5,722	873	15.3	122	96	655
Garments.	7	4,472	847	18.9	122	70	655
Hats, caps and furs.	2	750	26	3.5	.....	26	.....
Boots, shoes and gloves.	1	500	.....	0.0	.....	.....	.....
4. Metals, Machinery and Shipbuilding.	14	5,682	279	4.9	130	53	96
Iron and steel.	10	4,515	138	3.1	2	53	83
Metals other than iron and steel.	3	539	13	2.4	.....	.....	13
Shipbuilding.	1	628	128	20.4	128	.....	.....
5. Printing, Binding, Etc.	1	6,728	906	13.5	360	318	228
6. Wood Working and Furniture.	7	2,943	399	13.6	.....	28	371
7. Food and Liquors.	7	3,382	214	6.3	.....	23	191
Food products.	5	1,532	149	9.7	.....	3	146
Beverages.	2	1,850	65	3.5	.....	20	45
8. Theaters and Music.	1	845	.....	0.0	.....	.....	.....
9. Tobacco.	2	1,924	51	2.7	.....	25	26
10. Restaurants and Retail Trade.	4	1,776	61	3.4	.....	14	47
Hotels and restaurants.	3	1,646	61	3.7	.....	14	47
Retail trade.	1	130	.....	0.0	.....	.....	.....
11. Public Employment.	1	1,980	38	1.9	.....	38	.....
12. Steam Engine Men.	2	1,331	29	2.2	.....	1	28
13. Miscellaneous.	3	695	37	5.3	6	4	27
Leather and leather goods.	1	170	15	8.8	.....	3	12
Glass and glassware.	2	525	22	4.2	6	1	15
Total.	90	62,213	7,938	12.8	654	841	6,443

TABLE VIII.—GROWTH OF LABOR ORGANIZATIONS IN THE SEVERAL CITIES OF NEW YORK, 1897—1906.

CITY.	AT END OF SEPTEMBER, 1906.				DEC. 1897.		Gain, 1897 to 1906.
	No. of unions.	NUMBER OF MEMBERS.			Unions.	Mem- bers.	
		Men.	Women.	Total.			
Albany.....	81	7,649	96	7,745	43	3,621	4,124
Amsterdam.....	20	1,027	17	1,044	3	66	978
Auburn.....	32	1,480	31	1,511	17	707	804
Binghamton.....	37	2,080	178	2,258	11	735	1,523
Buffalo.....	174	28,754	836	29,590	83	8,708	20,882
Cohoes.....	11	670	.....	670	6	407	263
Corning.....	16	1,072	2	1,074	5	322	752
Cortland.....	13	288	21	309	4	61	248
Dunkirk.....	17	686	6	692	2	31	661
Elmira.....	38	2,496	92	2,588	20	1,047	1,541
Fulton.....	5	70	.....	70	.....	.....	70
Geneva.....	25	996	5	1,001	6	278	723
Gloversville.....	13	386	8	394	2	275	119
Hornell.....	22	1,275	19	1,294	6	616	678
Hudson.....	9	200	.....	200	2	53	147
Ithaca.....	15	647	36	683	13	367	316
Jamestown.....	20	695	17	712	4	95	617
Johnstown.....	4	74	.....	74	.....	.....	74
Kingston.....	25	989	5	994	7	227	767
Little Falls.....	13	465	.....	465	3	47	418
Lockport.....	23	771	.....	771	12	326	445
Middletown.....	22	1,146	5	1,151	4	277	874
Mount Vernon.....	13	861	.....	861	4	231	630
Newburgh.....	33	1,940	866	2,806	13	1,522	1,284
New Rochelle.....	13	1,150	2	1,152	5	173	979
New York City.....	678	253,065	6,943	260,008	432*	133,488	126,520
Niagara Falls.....	35	1,669	108	1,777	6	200	1,577
North Tonawanda.....	6	426	.....	426	.....	.....	426
Ogdensburg.....	25	1,387	.....	1,387	2	42	1,345
Olean.....	26	1,001	11	1,012	6	148	864
Oneida.....	13	446	3	449	4	151	298
Oswego.....	24	1,056	.....	1,056	8	261	795
Plattsburg.....	10	360	.....	360	3	50	310
Poughkeepsie.....	24	1,075	1	1,076	11	542	534
Rensselaer.....	4	454	.....	454	4	208	246
Rochester.....	87	13,972	322	14,294	41	4,217	10,077
Rome.....	14	405	1	406	6	98	308
Schenectady.....	58	7,840	10	7,850	18	670	7,180
Syracuse.....	80	7,522	823	8,345	51	4,513	3,832
Tonawanda.....	9	207	50	257	1	15	242
Troy.....	52	5,074	48	5,122	26	2,130	2,992
Utica.....	49	3,978	226	4,204	23	1,903	2,301
Watertown.....	21	1,162	11	1,173	13	413	760
Watervliet.....	4	117	.....	117	2	77	40
Yonkers.....	24	2,208	3	2,211	15	897	1,314
Total.....	1,937	361,291	10,802	372,093	947	170,215	201,878

* Includes all unions within the present area of Greater New York, i. e. unions in Brooklyn, College Point, Corona, Flushing, Long Island City, New York, Port Richmond, Stapleton, Tompkinsville, West Brighton and Whitestone.

TABLE IX.—STATISTICS OF TRADE UNIONS IN EACH COUNTY

COUNTY.	Number of unions.	NUMBER OF MEMBERS.		
		Men.	Women.	Total.
Albany	102	8,758	96	8,854
Allegany	3	61		61
Broome	40	2,137	180	2,317
Cattaraugus	44	1,957	41	1,998
Cayuga	32	1,480	31	1,511
Chautauqua	39	1,403	23	1,426
Chemung	38	2,456	92	2,548
Chenango	17	568	7	575
Clinton	13	527	12	539
Columbia	9	200		200
Cortland	13	288	21	309
Delaware	1	27		27
Dutchess	36	1,431	176	1,607
Erie	189	29,559	886	30,445
Essex	7	732	17	749
Franklin	6	147		147
Fulton	17	460	8	468
Genesee	17	586	4	590
Greene	5	95	3	98
Herkimer	20	685		685
Jefferson	32	1,452	11	1,463
Kings	171	41,489	625	42,114
Livingston	2	25		25
Madison	15	471	3	474
Monroe	90	15,231	347	15,578
Montgomery	22	1,036	17	1,053
Nassau	8	830		830
New York	438	205,043	6,302	211,345
Niagara	64	2,866	108	2,974
Onelida	65	4,436	227	4,663
Onondaga	86	8,072	823	8,895
Ontario	35	1,297	30	1,327
Orange	80	4,825	938	5,763
Orleans	11	646		646
Oswego	30	1,198		1,198
Otsego	19	916	6	922
Putnam	3	81		81
Queens	42	4,969	16	4,985
Rensselaer	60	5,710	53	5,763
Richmond	27	1,564		1,564
Rockland	19	1,119		1,119
St. Lawrence	36	1,668	30	1,698
Saratoga	47	2,347	36	2,383
Schenectady	61	7,984	10	7,994
Seneca	8	284	20	304
Steuben	43	2,437	21	2,458
Suffolk	7	228		228
Sullivan	1	24		24
Tioga	4	79	2	81
Tompkins	15	647	36	683
Ulster	39	1,666	89	1,755
Warren	25	1,161	51	1,212
Washington	20	2,337	75	2,412
Wayne	10	251	1	252
Westchester	124	8,633	151	8,784
Wyoming	8	133		133
Yates	5	107		107
Total	2,420	386,869	11,625	398,494

OF THE STATE AT THE END OF SEPTEMBER, 1906.

CAUSES OF IDLENESS.

Number reporting.	Thereof idle.	Per cent. idle.	NUMBER IDLE ON ACCOUNT OF—						
			Lack of work.	Lack of stock.	The weather.	Labor disputes.	Disability.	Other specified reasons.	Reason not stated.
8,567	252	2.9	64	3	8	26	88	62	1
61	3	4.9	3						
2,158	45	2.1	14				20	9	2
1,860	64	3.4	25	2			31	6	
1,358	89	6.6	29	1		40	18	1	
1,294	37	2.9	15	3	14		5		
2,517	161	6.4	96				46	10	
538	4	0.7					4		
524	38	7.3	29	4			3	2	
197		0.0							
291	5	1.7	3				2		
26	1	3.8	1						
1,533	19	1.2	13				6		
29,449	1,280	4.3	410	6	38	617	198	11	
749	12	1.6					12		
147	5	3.4	5						
391	4	1.0	4						
573	3	0.5					3		
45		0.0							
676	22	3.3	14				7	1	
1,423	58	4.1	1		7	34	4	12	
42,008	2,324	5.5	976	118	367	364	477	8	14
25		0.0							
470	29	6.2	1			25	1	1	1
15,164	478	3.2	123	32	40	178	105		
973	22	2.3		2	10	6	4		
829		0.0							
195,536	14,577	7.5	9,018	548	71	2,239	1,471	1,009	221
2,647	34	1.3	15				18	1	
4,492	383	8.5	58			250	72	3	
8,831	255	2.9	122	13	5	39	71	2	3
1,156	74	6.4	58				14	2	
5,501	135	2.5	50			11	48	26	
646		0.0							
1,120	139	12.4	16		102		21		
887	16	1.8	2	2			12		
81	7	8.6					2	5	
4,552	18	0.4	11				7		
5,492	248	4.5	191		4		50	3	
1,560	17	1.1					16		1
1,119	14	1.3	2				7	5	
1,615	16	1.0	5				11		
2,328	61	2.6	38	4			16	2	1
7,885	105	1.3	3	3			94	5	
295	9	3.1	3				6		
2,380	130	5.5	64		3		55	7	1
227	3	1.3	2				1		
24	6	25.0	5				1		
66	2	3.0					2		
648	16	2.5	8				8		
1,622	6	0.4	6						
1,116	33	2.9	20				9	2	2
1,683	41	2.4	37				4		
186	4	2.2					4		
8,591	230	2.7	59		5	80	69	17	
118	27	22.9	19	4	2		2		
105	12	11.4	5				7		
376,355	21,573	5.7	11,643	745	678	3,909	3,132	1,221	247

TABLE X.—IMMIGRATION INTO THE PORT OF NEW YORK, OCTOBER —
DECEMBER, 1906:

(a) Destinations of Aliens Arriving, by States and Territories.

(Compiled by the Bureau of Immigration and Naturalization, Department of Commerce and Labor.)

STATE OR TERRITORY.	1905.	1906.
Alabama.....	333	387
Alaska.....	9	15
Arizona.....	192	202
Arkansas.....	159	225
California.....	3,076	5,389
Colorado.....	989	1,503
Connecticut.....	4,447	6,383
Delaware.....	202	281
District of Columbia.....	430	339
Florida.....	329	445
Georgia.....	115	181
Hawaii.....	43	12
Idaho.....	107	127
Illinois.....	11,947	15,672
Indiana.....	96	1,869
Indian Territory.....	1,167	134
Iowa.....	749	854
Kansas.....	604	725
Kentucky.....	106	135
Louisiana.....	476	521
Maine.....	193	340
Maryland.....	743	929
Massachusetts.....	6,578	9,352
Michigan.....	3,147	3,548
Minnesota.....	1,581	1,903
Mississippi.....	288	311
Missouri.....	2,607	3,194
Montana.....	287	347
Nebraska.....	698	791
Nevada.....	82	134
New Hampshire.....	419	1,106
New Jersey.....	11,225	15,017
New Mexico.....	123	146
New York.....	63,413	79,785
North Carolina.....	44	89
North Dakota.....	760	533
Ohio.....	6,992	10,502
Oklahoma.....	49	52
Oregon.....	230	424
Pennsylvania.....	32,850	44,144
Philippine Islands.....	.....	4
Porto Rico.....	48	33
Rhode Island.....	1,117	1,242
South Carolina.....	61	81
South Dakota.....	525	358
Tennessee.....	394	248
Texas.....	311	357
Utah.....	243	489
Vermont.....	309	371
Virginia.....	293	424
Washington.....	531	897
West Virginia.....	1,152	1,945
Wisconsin.....	2,271	2,888
Wyoming.....	263	295
Tourists.....	187	.....
Grand Total.....	165,540	217,768

TABLE X.—IMMIGRATION INTO THE PORT OF NEW YORK FOR THE THREE MONTHS ENDING DECEMBER 31, 1906:

(b) Race or Country of Origin.

RACE OR PEOPLE.	Sex.		TOTAL Admitted.	Age.			Illiteracy.*	Have been in the United States before.	Fourth Quarter, 1905.
	Male.	Female.		Under 14 years.	14 to 44.	45 and over.			
African (black).....	149	106	245	28	310	7	12	32	192
Armenian.....	372	196	570	65	482	10	128	399	2,113
Bohemian and Moravian.....	1,074	1,030	2,104	413	1,595	96	26	48	1,305
Bulgarian, Servian, Montenegrin.....	2,940	1,119	3,059	39	2,983	37	1,060	65	6,227
Chinese.....	5,495	1,679	7,174	452	6,577	145	1,855	430	201
Croatian and Slovenian.....	1,174	43	1,217	18	1,083	16	1	110	517
Cuban.....	1,051	57	1,108	24	1,049	35	478	23	1,837
Dalmatian, Bosnian, Herzegovinian.....	1,102	655	1,757	355	1,321	81	57	121	13
Dutch and Finnish.....	14	1	15	.....	15	.....	.....	2	5,836
East Indian.....	3,575	2,384	5,959	1,072	4,287	600	25	1,248	1,456
English.....	1,135	645	1,780	70	1,690	30	8	141	3,004
Finnish.....	1,365	1,091	2,456	212	2,146	98	43	453	1,289
French.....	9,916	7,833	17,749	2,688	14,177	864	646	1,289	3,035
German.....	11,149	431	11,580	2,262	11,257	61	3,035	234	6,136
Greek.....	15,960	13,756	29,716	7,537	20,630	1,579	53	272	1,088
Hebrew.....	2,638	2,643	5,289	7,343	4,753	173	14	555	1,125
Irish.....	10,233	3,289	13,522	1,343	11,755	424	14,868	2,246	30,941
Italian (North).....	24,995	11,878	36,873	6,271	28,798	1,804	.....	.....	30
Italian (South).....	15	3	18	.....	18	.....	.....	.....	1
Japanese.....	1	.....	.....	.....	1	.....	.....	.....	3,369
Korean.....	2,997	1,118	4,115	269	3,801	45	2,370	53	9,644
Lithuanian.....	9,794	4,806	14,100	1,802	12,460	338	1,249	831	.....
Maragr.....	13	1	14	1	11	2	.....	8	13,999
Mexican.....	16,062	6,924	23,016	1,884	20,800	332	7,770	860	1,345
Pacific Islander.....	217	83	300	65	240	15	182	18	3,714
Pollak.....	2,431	285	2,716	64	2,593	59	1,073	22	3,178
Portuguese.....	2,025	301	2,326	93	2,203	32	3,453	418	2,498
Rumanian.....	4,564	1,568	6,132	178	5,866	90	.....	579	6,331
Ruthenian (Rusniak).....	3,596	3,322	6,918	412	6,026	281	.....	243	9,331
Scandinavian.....	1,524	973	2,497	451	1,901	155	.....	1,135	1,641
Scotch.....	7,095	3,720	10,815	1,921	8,891	183	2,077	1,127	202
Slovak.....	155	133	288	72	216	17	108	59	1,521
Spanish.....	54	30	84	22	62	1	635	18	306
Spanish-American.....	766	417	1,203	140	1,035	28	179	33	186
Syrian.....	280	110	390	1	386	38	.....	.....	.....
Turkish.....	280	177	457	81	338	38	.....	.....	.....
Wash.....	377	67	444	34	396	14	157	6	.....
West Indian (except Cuban).....	372	23	395	2	399	4	.....	.....	.....
All other peoples.....	146,347	71,421	217,768	27,452	182,585	7,731	50,137	13,112	165,540
Total.....	146,347	71,421	217,768	27,452	182,585	7,731	50,137	13,112	165,540

*Number 14 years old and over who could neither read nor write; in addition were 735 who could read but not write.

TABLE XI.—OCCUPATION OF ALIENS ADMITTED IN YEAR ENDING JUNE 30, 1906.

	Destined to New York.	United States.
PROFESSIONAL OCCUPATIONS.		
Engineers (professional).....	1,419	2,324
Musicians.....	802	1,511
Teachers.....	959	2,071
Other professional.....	4,259	7,860
Total.....	7,439	13,766
SKILLED OCCUPATIONS.		
Bakers.....	2,255	4,760
Barbers and hairdressers.....	2,561	4,361
Blacksmiths.....	2,091	5,848
Bookbinders.....	502	783
Brewers.....	157	397
Butchers.....	1,888	4,194
Cabinetmakers.....	517	1,167
Carpenters and joiners.....	8,531	18,185
Clerks and accountants.....	5,566	11,345
Dressmakers.....	3,028	5,635
Engineers (locomotive, marine, and stationary).....	914	2,143
Engravers.....	88	156
Furriers and fur workers.....	548	731
Gardeners.....	603	1,537
Hat and cap makers.....	554	923
Iron and steel workers.....	536	1,981
Jewelers.....	247	394
Locksmiths.....	1,460	3,407
Machinists.....	698	1,967
Mariners.....	4,262	8,737
Masons.....	5,710	11,779
Mechanics (not specified).....	694	1,415
Metal workers (other than iron, steel, and tin).....	550	999
Millers.....	367	1,064
Milliners.....	472	771
Miners.....	987	8,717
Painters and glaziers.....	2,644	4,531
Photographers.....	246	446
Plasterers.....	855	1,163
Plumbers.....	269	673
Printers.....	603	1,121
Saddlers and harnessmakers.....	355	745
Seamstresses.....	4,003	6,699
Shipwrights.....	53	155
Shoemakers.....	5,726	12,622
Stokers.....	509	739
Stonecutters.....	686	2,112
Tailors.....	16,722	26,982
Tanners and curriers.....	291	649
Textile workers (not specified).....	245	889
Tinners.....	799	1,476
Tobacco workers.....	510	2,670
Upholsterers.....	243	425
Watch and clock makers.....	614	1,048
Weavers and spinners.....	854	3,481
Wheelwrights.....	177	559
Woodworkers (not specified).....	336	765
Other skilled.....	1,527	3,786
Total.....	84,053	177,122
MISCELLANEOUS OCCUPATIONS.		
Agents.....	505	881
Bankers.....	305	418
Draymen, hackmen, and teamsters.....	523	1,090
Farm laborers.....	54,043	239,125
Farmers.....	3,190	15,288
Fishermen.....	222	899
Hotel keepers.....	176	422
Laborers.....	67,296	226,345
Manufacturers.....	444	803
Merchants and dealers.....	9,550	17,054
Servants.....	39,400	115,984
Other miscellaneous.....	2,331	6,078
Total.....	177,985	624,387
No occupation (including women and children).....	105,231	285,460
Grand total.....	874,706	1,100,736

TABLE XII.—STATISTICS OF BUILDINGS AUTHORIZED IN NEW YORK CITY IN OCTOBER, NOVEMBER AND DECEMBER, 1905 AND 1906.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS—			
	1905.	1906.	1905.	1906.	COMMENCED.		COMPLETED.	
					1905.	1906.	1905.	1906.
NEW BUILDINGS:								
Bronx.....	502	485	\$7,236,135	\$4,893,185	440	389	409	494
Brooklyn.....	2,234	2,063	18,008,420	14,643,329	2,643	1,723	1,543	3,047
Manhattan.....	544	189	23,105,642	8,902,475	359	188	319	422
Queens.....	873	1,011	4,163,535	4,294,224	873	717	1,028	732
Richmond.....	110	218	389,582	886,471	172	300	120	170
Total.....	4,263	3,966	\$52,903,314	\$33,619,684	4,487	3,317	3,419	4,865
ALTERATIONS:								
Bronx.....	144	175	\$145,320	\$328,895	157	178	187	206
Brooklyn.....	771	1,018	778,244	1,347,876	895	763	780	915
Manhattan.....	1,065	772	2,576,925	2,574,215	704	640	869	910
Queens.....	155	305	164,845	397,438	155	227	220	256
Richmond.....	127	103	101,257	79,099	158	135	140	112
Total.....	2,262	2,373	\$3,766,591	\$4,727,523	2,069	1,943	2,196	2,399
TOTAL OF NEW BUILDINGS AND ALTERATIONS:								
Bronx.....	646	660	\$7,381,455	\$5,222,080	597	567	596	700
Brooklyn.....	3,005	3,081	18,786,664	15,991,205	3,538	2,486	2,323	3,962
Manhattan.....	1,609	961	25,682,567	11,476,690	1,063	828	1,188	1,332
Queens.....	1,028	1,316	4,328,380	4,691,662	1,028	944	1,248	988
Richmond.....	237	321	490,839	965,570	330	435	260	282
Total.....	6,525	6,339	\$56,669,905	\$38,347,207	6,556	5,260	5,615	7,264

Number and Estimated Cost of New and Remodeled Tenement Houses Included in the Foregoing Table.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST.	
	1905.	1906.	1905.	1906.
NEW TENEMENTS:				
Bronx.....	138	91	\$4,802,000	\$2,613,200
Brooklyn.....	661	603	7,776,700	6,864,600
Manhattan.....	281	51	14,283,500	3,896,000
Queens.....	312	97	2,074,700	702,100
Richmond.....	4	1	14,100	5,600
Total.....	1,396	843	\$28,951,000	\$14,081,500
REMODELED TENEMENTS:				
Bronx.....	18	25	\$29,300	\$30,150
Brooklyn.....	82	134	55,390	92,470
Manhattan.....	797	478	1,401,210	900,150
Queens.....	13	18	4,245	6,610
Richmond.....	1	1	6,150	200
Total.....	911	656	\$1,496,295	\$1,029,580
TOTAL OF NEW AND REMODELED TENEMENTS:				
Bronx.....	156	116	\$4,831,300	\$2,643,350
Brooklyn.....	743	737	7,832,090	6,957,070
Manhattan.....	1,078	529	15,684,710	4,796,150
Queens.....	325	115	2,078,945	708,710
Richmond.....	5	2	20,250	5,800
Total.....	2,307	1,499	\$30,447,295	\$15,111,080

TABLE XIII.—STATISTICS OF BUILDINGS AUTHORIZED IN BUFFALO, ROCHESTER, SYRACUSE AND TROY, IN OCTOBER, NOVEMBER AND DECEMBER, 1906, AND PREVIOUS YEARS.

CITY AND PERIOD.	NEW BUILDINGS.		ADDITIONS AND REPAIRS.		ALL BUILDINGS.	
	No.	Est. cost.	No.	Est. cost.	No.	Est. cost.
BUFFALO.						
October.....	175	\$439,190	80	\$54,320	255	\$493,510
November.....	129	481,210	68	67,290	197	548,500
December.....	131	410,750	50	40,250	181	451,000
Oct.-December, 1906...	435	\$1,331,150	198	\$161,860	633	\$1,493,010
1905...	423	*1,561,845	209	239,737	632	*1,801,582
1904...	471	1,673,206	184	133,758	655	\$1,806,964
1903...	386	1,348,255	139	121,851	525	1,470,106
1902...	363	1,275,161	140	224,957	503	1,500,118
1901...	187	1,903,164	82	78,414	269	1,981,578
1900...	160	1,486,033	118	202,573	278	1,688,606
ROCHESTER.						
October.....	160	\$545,425	37	\$40,525	197	\$585,950
November.....	109	369,030	24	24,260	133	393,290
December.....	66	519,315	26	52,205	92	571,520
Oct.-December, 1906...	335	\$1,433,770	87	\$116,990	422	\$1,550,760
1905...	303	†1,535,727	74	75,300	377	†1,611,027
1904...	238	1,000,558	47	32,995	285	†1,033,553
1903...	125	864,605	50	816,093	175	680,698
1902...	119	900,900	43	26,382	162	927,282
1901...	144	870,002	48	88,533	192	658,535
1900...	101	201,220	35	25,240	136	226,460
SYRACUSE.						
October.....	71	\$251,602	38	\$19,120	109	\$270,722
November.....	69	259,425	47	77,425	116	336,850
December.....	38	159,250	14	20,700	52	179,950
Oct.-December, 1906...	178	\$670,277	99	\$117,245	277	\$787,522
1905...	119	283,150	84	223,835	203	506,985
1904...	91	406,250	67	41,990	158	448,240
1903...	59	201,000	47	27,540	106	228,540
1902...	74	342,775	54	82,590	128	425,365
1901...	65	405,380	60	31,335	125	436,715
1900...	84	677,705	37	45,253	121	722,958
TROY.						
Oct.-December, 1906...	30	\$203,500	43	\$73,585	73	\$277,085
1905...	17	‡488,300	20	22,195	37	‡510,495

*Includes a new hospital (\$180,000) and a store and office building (\$120,000).

†Includes an office building (\$300,000) and a church (\$100,000).

‡Includes a factory (\$115,000), a power-house (\$140,000) and state armory (\$300,000).

§Includes two stores (\$175,000 and \$100,000 respectively).

¶Includes two college buildings (125,000 and \$115,000 respectively).

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EDITORIAL SUMMARY.

Labor Laws of 1907. The steadily growing recognition of the need of state interference to protect the interests of wage earners in industrial employments is evidenced in the large body of statutes relating to labor passed at the recent legislative session, and printed in this issue of the BULLETIN. So numerous and important are the measures already signed by the Governor that the general Labor Law is almost recast, particularly in those parts relating to the administration of the law and the regulation of the work of women and children in factories. The act (chapter 505) re-organizing the Department of Labor increases the powers and compensation of the Commissioner of Labor and ends the confusion into which the laws were thrown by the act of 1901 consolidating the Bureau of Labor Statistics, office of Factory Inspector and Board of Mediation and Arbitration. The Legislature provided for fourteen additional employees in the Department, including an assistant factory inspector, a medical inspector of factories, two deputy factory inspectors of a higher grade than any now serving, and two additional inspectors at \$1,000, two assistant mediators, two special agents for the Bureau of Labor Statistics, etc. When the new appointments are made, on October 1st, the personnel of the Department will number 95, which is seven more than the total number employed in the three bureaus prior to the consolidation act of 1901. The distribution of the force will be as follows: General administration, the Commissioner of Labor and three subordinates; Bureau of Labor Statistics, under the Chief Statistician, fifteen officers and employees; Bureau of Factory Inspection, under the Factory Inspector (First Deputy Commissioner of Labor), seventy; Bureau of Mediation and Arbitration, under the Chief Mediator (Second Deputy Commissioner),

six. The re-organization act, which took effect June 15th, changed the constitution of the State Board of Arbitration, which previously consisted of the Commissioner of Labor, and two Deputy Commissioners, by substituting the Chief Mediator, as chairman, and two other officers of the Department to be from time to time designated by the Commissioner. Under the present designation, the Board is composed of Chief Mediator Lundrigan, Industrial Mediator Reagan and Special Agent Bealin. Another new law (chapter 520) authorizes the Superintendent of Public Works to transfer to the Department of Labor his inspectors of steam vessels whenever they are not engaged in their regular duties. As navigation is closed during the winter months, the Department may therefore expect to have for a considerable part of each year the services of two engineering experts, whose knowledge will aid the bureau of factory inspection in devising methods of safe guarding machinery, ventilation, etc. The net result of the new legislation should be a marked improvement in the governmental service devoted to the protection of the health of workingpeople — a service which has now been put on a basis more nearly corresponding with the rank of this state in the commercial and industrial world.



**Health
and
Safety.**

It is the expectation of the Commissioner of Labor that one of the new employees of the bureau of factory inspection will be an inspector of tunnels, which have now been placed under the jurisdiction of the Department of Labor (chapter 399). The underground construction work going forward in New York City has now become so extensive as to overshadow the mining industry in this state, and, owing to inadequate inspection and supervision, has been attended with a high rate of mortality from accidents and caisson disease. Another act (chapter 208) provides for stricter inspection of locomotive boilers under the new Public Service Commissions, which have power to investigate accidents on railroads and to order such improvements as will best protect workmen employed by transpor-

tation, gas and electric lighting companies (chapter 429). Bills were also passed requiring street-car platforms to be enclosed in winter for the protection of motormen in the counties of Kings and Queens and Westchester, while an important amendment was made of the "Factory Law" to secure the proper ventilation of work-rooms, especially those in which injurious dust, gases, vapors, etc., are created (chapter 490). Another act (chapter 485) requires that foundries shall be provided with facilities for drying the working clothes of molders, as well as suitable wash rooms and water service.



The Court of Appeals on the 14th of June affirmed
Regulation of the decision of the Appellate Division of the Su-
Night Work.

preme Court that a statute forbidding the employment of women in factories after nine o'clock at night is not a regulation in the interest of the public health and therefore constitutes an unwarranted interference with the freedom of contract guaranteed by the Constitution to women as well as men. From this decision many citizens drew the inference that all legislative restrictions upon the hours of work of women are unconstitutional and void, and it has already been suggested that the course followed when the eight-hour law for laborers employed on public work was held unconstitutional be taken again and a constitutional amendment submitted to the electorate which would delegate the necessary authority to the Legislature to enact laws for the protection of women against the dangers of excessive hours of work in industrial employments. But state officials who have closely studied the opinion of the court have taken the position that the decision applies only to the prohibition of night work and not to the provision of law fixing the maximum hours of work per day and week. This view derives additional strength from the fact that the court which first held the night work prohibition void afterward affirmed the constitutionality of the section limiting the duration of employment of women and at that time pointed out the "distinction between a law which prohibits the employment of a woman for

the slightest period of time during certain hours and one which limits the number of hours in a day or a week during which she may be employed at factory work." The Commissioner of Labor has accordingly issued instructions to his subordinates to continue to enforce that part of the statute which limits the number of hours of work for females of all ages to sixty a week and, with certain exceptions, ten per day, as well as the clause forbidding both male and female minors under the age of 18 years to work in factories after 9 o'clock at night and before 6 o'clock in the morning.



After October 1st the entire subject of hours of labor
The in factories will be governed by the act (chapter
New Law. 507 of the laws of 1907) approved June 15, 1907.

This statute separates the protected classes into four groups — women 21 years old or over, young women 16–21 years of age, young men 16–18 years old, and boys and girls 14–16 years old, children under 14 years being excluded from factory employment and males over 18 years of age being excepted from the regulations as to hours. The shortest hours are, of course, those fixed for children, which were reduced from 9 to 8 per day, to be performed within the period from 8 A. M. to 5 P. M. The other three classes are limited to 60 hours a week and, with certain exceptions, to 10 hours a day; but the period within which the work may be performed varies from class to class. Young women may not work after 9 P. M., but young men may work any time of the day or night outside of the period from midnight to 4 A. M., and women over 21 years of age, in consequence of the court's decision, are not restricted to any particular period. The act also contains a new provision to prevent the practice of changing or transferring employees, whereby the ten-hour limitation has at times been evaded, and materially changes other defective provisions of the ten-hour law so as to make them enforceable.

The benefits of the shorter day were also extended **Limiting the** by the Legislature to men, as well as women and **Hours of** children, although constitutional limitations confine **Labor of Men.** such regulations to occupations like railroading, in which considerations of public safety are involved. Thus the railway telegraphers and other employees who transmit train orders are to have an eight-hour day according to a bill passed, while the train crews are not to be kept on duty for more than sixteen consecutive hours and must then have a rest of eight hours before beginning another "run" (chap. 523). The application of the ten-hour law for street railway employees has been extended from cities of 100,000 population to cities of 50,000 and upwards, thus adding to New York, Buffalo, Rochester and Syracuse, the cities of Albany, Troy, Utica, Schenectady and Yonkers (chap. 243). Still another statute limiting the hours of work is the act (chap. 297) which removes the exemption of the village of Saratoga Springs from the barbers' Sunday closing law during three-quarters of the year, while still permitting the barber shops there to remain open until 1 P. M. on Sundays in the summer season, and also permitting shops in New York City to keep open the same hours throughout the year.



In the building trades of New York City the unprecedented activity of 1906 has not continued this year, although operations are still going forward there on a very large scale, and in the other large cities of the state all records are being surpassed. In transportation and manufacturing industries, with scarcely an exception, wage earners are kept as fully employed as they were last year and in many lines the volume of production is increasing. Numerous advances in wages have been granted this year, especially by transportation companies, and very few reductions have been recorded, the most notable being the cut in wages made by the manufacturers of brick at the opening of the present season. While the vast majority of the changes in wages have been accomplished

without rupture of relations between employers and employees, there have been a few strikes to enforce demands for higher wages. Of 50 labor disputes recorded by the Bureau of Mediation and Arbitration in the first quarter of the year, 24 were for an increase of wages, while only 3 were against a reduction in wages.

* * *

Labor Disputes. While the number of disputes was somewhat larger than it was a year ago (36), the number of employees concerned was smaller (8,915 this year, 10,703 a year ago) and the amount of working time lost was considerably less, most of this year's strikes being relatively small affairs. At the end of March only 3,970 or less than 1 per cent of 404,000 organized wage earners reporting were out of work on account of trade disputes, the most important of which were the painters' and jacket-makers' strikes in New York City, and the general strikes of compositors and lithographers begun last year. The strike of the metropolitan painters and decorators, who are not represented in the arbitration plan of the Building Trades Association, served to demonstrate the strength of that plan of agreement between the organizations of employers and employees, as all of the unions adhered to the agreement and refused to join in a sympathetic strike to assist the painters, notwithstanding their formal approval of the painters' request for an increase of 50 cents in the daily wage.

* * *

Bureau of Mediation and Arbitration. Since the March BULLETIN was issued, the Bureau of Mediation and Arbitration has acted upon six requests for its intervention and in two cases (Buffalo switchmen, Albany & Hudson Railway trainmen) assisted in averting threatened strikes. The Bureau has also intervened in a dozen other disputes where its good offices were not specifically requested. Among the disputes which the Bureau assisted in adjusting were those of the Cohoes carders, New York longshoremen, masters and pilots, laborers in a sugar refinery, weavers in a silk mill, etc.

**Trade
Unions.**

In point of numbers the workingmen's organizations of this state have now attained a strength never before realized. At the climax of the "boom" period of 1898-1903 the New York unions built up a membership that closely approached 400,000 but subsequently declined to 375,000. On the first of April of the present year the aggregate membership was 414,718, of whom 12,515 were women. Two-thirds of the members of labor organizations are in New York City and an additional 20 per cent in the other large cities. In the preceding six months the gain in membership for the entire state amounted to 16,224 or 4.1 per cent. New York City gained 9,259 or 3.6 per cent, Buffalo 2,227 or 7.6 per cent, Schenectady 1,927 or 24.5 per cent, Rochester 601 or 4.2 per cent, and Albany 336 or 4.4 per cent, while Syracuse lost 8 and Troy 329 or 6.4 per cent. The number of unions and union members in the seven cities, April 1st, was as follows: New York 705 organizations and 269,429 members; Buffalo 180 unions and 31,817 members; Rochester 87 unions and 14,895 members; Schenectady 54 unions and 9,777 members; Syracuse 84 unions and 8,337 members; Albany 84 unions and 7,936 members; Troy 48 unions and 4,793 members.

As respects the various trades, the carpenters lead with 31,157 members in 187 local unions, and exceed the bricklayers and painters combined, who have 13,352 and 13,142 craftsmen in their respective organizations. Masons' laborers and excavators rank second and third, with 17,958 and 16,009 members respectively, while the other building trades rank much lower. Among the indoor trades, the cigarmakers lead in numbers, having 10,068 workers in 52 local unions; they are followed by compositors with 43 unions and 9,730 members. The trades next in order are stationary engineers (9,305), machinists (8,046), musicians (8,029), trainmen (8,002), iron molders (7,543), brewery workmen (7,090), plumbers and gas fitters (6,933), team drivers (6,634) and plasterers (6,437). No other organized trade has to exceed 5,000 members, but there are ten trades between the limits of 4,000 and 5,000.

Immigration. The total number of immigrant aliens admitted at the Port of New York in January, February and March (198,379) was 9,000 less than it was a year ago, but the falling off is explained by European political conditions rather than economic conditions in this country. The number of Hebrews admitted this year (20,000) was 13,000 less than it was a year ago, when there was an extensive exodus from Russia. On the other hand, the number of Italians admitted (58,000) was only 6,000 less than the number who arrived in the corresponding months of 1906 and there was an actual increase in the immigration of Poles, Croates, Bulgarians and others who are attracted hither by opportunities for remunerative employment at manual labor. Over 10,000 immigrants, including 4,000 Italians, had been in the United States before and were therefore counted a second time in the immigration statistics. Just one-third of the immigrants admitted gave New York as the State of destination, —a somewhat smaller portion than heretofore.

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Factory Sanitation. The BULLETIN contains the latest English statistics of the principal diseases of occupation, accompanying an abstract of a chapter in the current report of the Bureau of Labor Statistics on health conditions in the printing trades. Mortality and morbidity statistics both show an unfavorable condition of health among compositors in New York City as compared with foreign cities. There is an undue prevalence of tuberculosis of the lungs, pneumonia and other diseases of the respiratory system, for which inadequate ventilation and sanitation in workrooms is at least partly accountable. The new law on ventilation of factories will bring about a great improvement in these respects, although specific regulations for printing offices such as exist in Germany are recommended by experts.

WAGES AND EMPLOYMENT.

The economic condition of wage receivers is determined by three factors: (1) The rate of wages, (2) regularity of employment, and (3) the purchasing power of money or the level of prices. Leaving out of consideration the salaried employees, who have relatively permanent employment together with a relatively fixed rate of compensation per month or year, it may be stated that wage rates have been advanced in recent years in almost every trade and occupation. In the present year, railway men have perhaps been the largest gainers in the advance; in addition to the employees of the important steam railroad systems, the operating force of street railway lines in several cities, notably New York and Elmira, have secured higher pay. With the opening of the building season mechanics in the building trades in many localities asked and obtained an advance. In fact, the only conspicuous instance of a reduction in the wage rate this year has been the cut in wages made by the Hudson River brick makers, at the opening of the season in May.

Through the officers of trade and labor unions, the Bureau of Labor Statistics has obtained returns covering the wages and earnings of 322,473 men and 11,022 women in the months of January, February and March. As the reports give the number of days of employment as well as the quarterly earnings of each employee, it is possible to arrive at a rough approximation of the average wage for a day's work, which proves to be \$3.04 in the case of men and \$1.81 in the case of women. In the corresponding period of last year, the male members of organizations of working-people averaged \$3.00 for a day's work. The real increase, however, has been larger than the figures would indicate, as they are affected by the entrance of new classes of workers into the ranks of organized labor. The following table will illustrate:

TABLE 1.—AVERAGE WAGES RECEIVED FOR A DAY'S WORK BY MALE MEMBERS OF LABOR ORGANIZATIONS IN THE FIRST QUARTER, 1903-7.

GROUPS OF TRADES.	1903.	1904.	1905.	1906.	1907.
1. Building, stone working, etc.....	\$3 33	\$3 41	\$3 37	\$3 47	\$3 73
2. Transportation.....	2 37	2 36	2 55	2 62	2 75
3. Clothing and textiles.....	2 37	2 40	2 38	2 47	2 39
4. Metals, machinery and shipbuilding.....	2 68	2 76	2 88	2 94	3 10
5. Printing, binding, etc.....	3 13	3 18	3 23	3 34	3 33
6. Wood working and furniture.....	2 69	2 68	2 63	2 75	2 82
7. Food and liquors.....	2 37	2 31	2 47	2 55	2 56
8. Theaters and music.....	4 30	4 20	4 73	4 81	4 31
9. Tobacco.....	1 95	2 03	2 04	2 08	2 05
10. Restaurants and retail trade.....	2 02	2 10	2 24	2 18	2 38
11. Public employment.....	2 41	2 54	2 59	2 65	2 63
12. Stationary engine tending.....	2 82	2 72	2 72	2 83	3 15
13. Miscellaneous.....	2 11	2 12	2 45	2 54	2 63
All trades.....	\$2 74	\$2 72	\$2 85	\$3 00	\$3 04

It appears that the average wage received for a day's work in the group of clothing and textile trades declined from \$2.47 in the first quarter of 1906 to \$2.39 in the corresponding period of the present year. As a matter of fact there was an increase in the average wage in nearly all the more important trades of the group; but in the interval between the two periods there had been organized a large union of (1,100) shirt makers, who earned only \$1.41 a day as compared with the average of \$2.46 for (243) collar and laundry workers reporting a year ago. The addition of the new union brought down that average to \$1.64 and affected the average for the whole group of clothing trades, as revealed in the table. Other advances in wages are probably concealed in the same way, for the growth of trade unions almost invariably proceeds from the higher to the lower grades of labor.

Further details regarding wages appear in Table I of the Appendix.

THE STATE OF EMPLOYMENT.

For the average wage earner steady work is a matter of greater concern than the rate of wages, as social workers long since demonstrated; among the poor themselves, families who accept aid commonly "attribute their misfortunes not to a low rate of wages or affliction or vice, but to irregularity of employment."* Certain occupations are necessarily suspended during particular seasons, although the ingenuity of man is constantly overcoming the

*Bulletin of the United States Bureau of Labor, May, 1906, p. 617.

obstacles offered by nature. Thus building operations are now carried on in New York City, when necessary, throughout the winter months. At times the proportion of workmen in the building trades who were idle at the end of March has been as low as 6 per cent; but this year trade conditions were less favorable and idleness in the building industry was more general than in any other recent year, not excepting even 1902. Out of 404,027 working men and women reporting from all trades, 77,269 or 19.1 per cent were not at work at the end of March, while 55,627 or 13.8 per cent did not work at all in the first three months of the year. This percentage contrasts unfavorably with the mean ratio for the decade 1897-1906, which was 11.1 percent, and is in fact the most unfavorable showing of any recent year with the exception of 1904, as shown below:

TABLE 2.—NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE—

YEAR.	DURING FIRST QUARTER.		AT THE END OF MARCH	
	Number.	Percentage.	Number.	Percentage.
1897.....	35,381	24.8	43,654	30.6
1898.....	18,102	10.1	37,857	21.0
1899.....	22,658	13.1	31,751	18.3
1900.....	22,895	10.1	44,336	20.0
1901.....	26,841	11.3	42,244	18.5
1902.....	16,776	6.2	36,710	13.6
1903.....	19,310	5.5	41,941	12.1
1904.....	55,710	14.6	103,995	27.2
1905.....	31,638	8.7	54,916	15.1
1906.....	24,746	6.5	37,237	9.9
1907.....	55,627	13.8	77,269	19.1

In 1904 the number idle at the end of March on account of the weather or slack trade exceeded 71,000, and this year it was over 67,000. But in 1904 there were also 26,000 workmen idle on account of strikes or lockouts, whereas this year the number was even smaller than usual, thus:

TABLE 3.—CAUSES OF IDLENESS AT THE END OF MARCH, 1904-1907.

CAUSE.	NUMBER.				PERCENTAGE.			
	1904.	1905.	1906.	1907.	1904.	1905.	1906.	1907.
Lack of work.....	34,685	28,759	16,719	52,031	33.3	52.4	44.9	67.3
Lack of stock.....	1,213	1,343	1,397	1,819	1.2	2.4	3.7	2.4
Weather.....	36,600	16,005	10,682	15,471	35.2	29.1	28.7	20.0
Labor disputes.....	25,723	4,814	4,787	3,970	24.7	8.8	12.9	5.2
Disability.....	3,898	2,942	3,005	3,563	3.8	5.4	8.1	4.6
Other reasons.....	1,573	794	552	315	1.5	1.4	1.5	0.4
Reason not stated....	303	259	95	100	0.3	0.5	0.2	0.1
Total.....	103,995	54,916	37,237	77,269	100.0	100.0	100.0	100.0

Further examination of the statistics given in Table II of the Appendix on the causes of idleness shows that 53,000 of the 77,000 idle at the end of March were workers in the building industry, which in New York City has experienced a reaction from the unprecedented activity of the past year or two. Thus, only 4,540 buildings were begun in the first three months of 1907 as compared with 5,153 a year ago, and the estimated cost of buildings authorized in the same period declined to \$49,213,357 from \$64,741,914 a year ago.* In manufacturing industries, however, the demand for labor was very active, as may be seen in the following table:

TABLE 4.—IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS: BY INDUSTRIES.

GROUPS OF TRADES.	AT END OF MARCH.					DURING FIRST QUARTER.				
	Percentage.					Percentage.				
	Number, 1907.	1907.	1906.	1905.	1904.	Number, 1907.	1907.	1906.	1905.	1904.
1. Building, stone working, etc.....	53,471	37.3	11.1	21.9	51.1	42,009	29.2	6.8	12.5	29.1
2. Transportation.....	8,273	12.7	14.1	14.6	21.0	6,347	9.7	12.3	13.4	16.8
3. Clothing and textiles....	4,819	12.4	14.3	19.5	24.9	990	2.6	6.0	1.6	6.5
4. Metals, machinery, etc....	1,641	4.2	4.8	9.2	12.7	800	2.0	2.2	4.3	5.8
5. Printing, binding, etc....	2,545	9.9	9.4	8.0	16.8	1,988	7.7	8.1	4.9	4.0
6. Wood working, etc.....	1,583	13.0	7.1	18.7	20.6	942	7.7	4.9	11.7	11.8
7. Food and liquors.....	975	7.1	5.6	7.7	9.7	412	3.0	3.3	2.5	5.8
8. Theaters and music.....	1,284	13.2	7.3	8.0	2.9	1,181	12.2	6.4	7.7	2.4
9. Tobacco.....	400	3.5	6.4	11.7	9.5	247	2.1	3.1	8.3	3.7
10. Restaurants, retail trade..	224	2.8	4.0	6.5	7.5	72	0.9	1.5	4.0	2.7
11. Public employment.....	1,297	13.9	2.6	6.0	20.5	145	1.6	0.8	2.1	1.7
12. Stationary engine men....	263	1.9	2.7	3.3	8.7	212	1.5	2.3	2.5	3.8
13. Miscellaneous.....	494	3.8	7.0	9.3	10.4	282	2.1	2.3	4.6	4.2
Total.....	77,269	19.1	9.9	15.1	27.2	55,627	13.8	6.5	8.7	14.6

In only four of the thirteen industries or groups of trade in which all the wage earners are classified was there more idleness during the first quarter of the present year than in the unusual year 1906; these included musicians (Group VIII) and workmen in the various structural industries, namely, building mechanics and laborers (Group I), cabinet makers, wood carvers, etc. (Group VI, Wood Working and Furniture), and dock builders (Group XI, Public Employment).

The figures of idleness at the end of the quarter are much the same, although there is a slightly higher percentage of idle

*Table IV of the Appendix. The other large cities, on the other hand, report an increased number of building permits this year (Table IVb).

members this year in two other industries — printing and food products (bakers and egg inspectors). In the important groups of the transport trades, the clothing trades and the metal trades, the state of employment was more favorable at the end of March than it has been in any recent year.

TABLE 5.—NUMBER OF UNION MEMBERS IDLE AT END OF MARCH ON ACCOUNT OF—

INDUSTRY.	LABOR DISPUTES.			DISABILITY.			ALL OTHER REASONS.		
	1905.	1906.	1907.	1905.	1906.	1907.	1905.	1906.	1907.
Building, etc.....	3,210	1,274	1,261	803	915	888	22,394	12,608	51,322
Transportation.....	81	290	.....	436	522	560	8,723	8,073	7,713
Clothing and textiles.....	425	1,094	1,141	225	148	207	5,405	3,403	3,471
Metals, machinery, etc....	270	438	186	344	376	479	2,502	850	976
Printing and binding.....	41	1,301	1,288	434	380	476	1,603	856	781
Wood working.....	679	87	84	140	136	119	1,461	624	1,380
Food and liquors.....	32	20	1	77	65	119	946	672	855
Theaters and music.....	22	.....	.....	23	15	18	770	783	1,266
Tobacco.....	.....	172	3	221	192	301	1,154	423	96
Restaurants, retail trade.....	.....	.....	.....	62	46	26	562	249	198
Public employment.....	.....	.....	.....	122	101	291	432	154	1,006
Stationary engine men.....	.....	103	.....	15	52	26	382	151	237
Miscellaneous.....	54	8	6	40	57	53	826	599	435
Total.....	4,814	4,787	3,970	2,942	3,005	3,563	47,160	29,445	69,736

The principal causes of the idleness at the end of March, which have already been suggested, are shown more fully in the foregoing table. The number idle on account of labor disputes is even smaller than in 1906. In the building industry, the only important dispute was that of the painters in New York City, and two-thirds of the one thousand men then idle have since obtained employment, as reported in a subsequent article in this issue. Some two hundred housesmiths in New York City were also involved in a strike, but otherwise the building industry was remarkably free from labor disputes. In the clothing trades, 1,050 children's cloak and reefer makers in New York City ceased work for two months before they succeeded in their effort to have the employers furnish the sewing machines which they operated. In the metal trades there was very little idleness from strikes. The industry most affected by disputes both this year and last was the printing business; of the 1,288 printers idle at the end of March on account of disputes, slightly more than one-half were lithographers, nearly all the others being compositors.

Exclusive of labor disputes and personal disability, which is a relatively constant factor from year to year, the causes of idleness are largely dependent upon trade conditions and are therefore combined in the preceding table. It is again seen that the numbers idle this year noticeably exceed those of last year only among musicians and in the trades affected by the relapse in building operations in New York City. Similar conclusions are reached after an examination of the statistics respecting the duration of employment of the wage earners who worked at all in the first quarter:

TABLE 6.—AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE FIRST QUARTER, 1902-1907.

INDUSTRIES.	Number em- ployed, 1907.	AVERAGE NUMBER OF DAYS WORKED.					
		1907.	1906.	1905.	1904.	1903.	1902.
1. Building, stone working, etc.	101,034	52.9	63.4	50.6	47.4	57.6	56.7
2. Transportation.....	53,882	81.5	80.1	80.6	77.5	77.9	76.7
3. Clothing and textiles.	31,485	64.7	65.5	60.4	58.1	63.0	63.3
4. Metals, machinery, etc.....	37,896	71.7	72.3	71.4	69.3	73.0	75.0
5. Printing, binding, etc.....	22,416	72.1	75.2	69.1	69.6	71.6	72.0
6. Wood working and furniture.	10,528	66.4	70.5	65.5	65.1	69.7	70.0
7. Food and liquors.....	13,359	73.3	72.2	71.8	72.7	71.0	75.0
8. Theaters and music.	3,404	72.1	76.3	76.9	70.4	61.4	71.0
9. Tobacco.....	8,834	74.1	70.6	69.1	65.5	68.9	70.0
10. Restaurants and retail trade.....	7,475	78.3	80.6	79.7	76.0	76.5	77.0
11. Public employment.....	9,068	78.2	84.3	81.2	83.3	81.3	83.0
12. Stationary engine men.....	12,404	81.8	81.1	81.7	78.2	79.9	*
13. Miscellaneous.....	10,688	73.8	73.0	69.7	71.3	70.9	73.0
Total—Men.....	322,473	67.5	70.7	65.6	64.7	67.8	67.0
Total—Women.....	11,022	69.2	71.5	67.8	64.2	68.7	69.0

The building and furnishing trades (including dock builders in group XI who averaged only forty days of employment) exhibit a considerable falling off in the average number of days of employment in the first three months of this year. In certain other industries there is also a decline of a fraction of a day, as compared with the exceptional figures of last year; but this small decline is accounted for by the fact that there was one less working day in the quarter this year than last.†

*Included in group IV.

† As a general rule there are 77 working days in a quarter, but in the present year there were 13 Sundays, which being deducted with New Year's Day from the 90 days in the quarter, left only 76 working days.

QUARTERLY EARNINGS.

Despite the enforced idleness in the building trades of New York City, earnings averaged higher in the first three months of the present year than in any other year except 1906. General averages for large classes of workers in various occupations and industries are too crude to measure precise gains or losses, but they do at least reflect the trend of wages. As shown in Table I of the Appendix, the aggregate earnings of 322,473 working men making reports for the first quarter of the year were \$66,113,301, yielding an average of \$205 each. This may be compared with the averages for the corresponding months in the years 1897 to 1905, which ranged from \$145 in the first-mentioned to \$187 in the last-mentioned year. In the exceptional year 1906, the average was \$212.

In the table on the following page, a comparison is made of the average earnings of working men, in the past five years, in each industry or group of trades.

Of the 322,473 working men who worked at all in January, February or March, slightly more than one-fifth earned less than \$150, but nearly all of these more than \$75; about two-fifths earned between \$150 and \$225 and the remaining two-fifths earned upwards of \$225. Those in the latter class predominated in the building trades, metal trades, printing, theaters and music, and public employment, while over three-fourths of the stationary engine men were in that class.

TABLE 8.—DISTRIBUTION OF EACH 100 MALE MEMBERS OF LABOR ORGANIZATIONS ACCORDING TO AMOUNT EARNED IN THE FIRST QUARTER OF—

GRADES.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	Total members, 1907.
Less than \$75..	6.1	6.5	3.8	3.9	7.5	8.9	2.3	2.9	9,293
\$75-\$149.....	29.1	26.6	27.0	23.3	27.4	21.0	18.7	20.0	64,363
\$150-\$225.....	41.9	41.1	41.8	46.7	41.7	43.3	40.6	39.8	128,489
Over \$225.....	22.9	25.8	27.4	26.1	23.4	26.8	38.4	37.3	120,328
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	322,473

Regarding the purchasing power of wages, it may be said that prices of commodities have advanced considerably in the past twelve months, and according to expert testimony rents, at least in New York City, have risen even more than prices. The subject is so complicated as to require minute investigation and will therefore be treated in the annual report of the Bureau of Labor Statistics.

TABLE 7.—AVERAGE EARNINGS OF MALE MEMBERS OF LABOR ORGANIZATIONS IN THE FIRST QUARTER, 1903-7.

INDUSTRY.	AVERAGE QUARTERLY EARNINGS.					Number employed, 1907.
	1903.	1904.	1905.	1906.	1907.	
1. Building, Stone Working, Etc.	\$192	\$161	\$171	\$220	\$198	101,034
Stone working.	240	202	258	247	215	6,015
Building and paving trades.	195	174	201	246	211	79,643
Building and street labor.	165	104	90	155	123	15,376
2. Transportation.	185	183	203	210	224	53,882
Railways.	215	211	225	234	262	24,068
Navigation*.	155	156	254	254	272	7,180
Teaming and cab driving.	144	147	176	174	174	16,796
Freight handling.	143	147	145	155	151	4,470
Telegraphs.	†	†	161	163	167	1,368
3. Clothing and Textiles.	149	140	144	162	154	31,485
Garments.	151	135	136	159	156	20,888
Shirts, collars and laundry.	187	224	213	190	123	1,462
Hats, caps and furs.	144	155	160	161	138	3,712
Boots, shoes and gloves.	140	143	163	172	152	2,884
Textiles.	141	144	179	174	188	2,530
4. Metals, Machinery and Shipbuilding.	196	188	206	212	223	37,896
Iron and steel.	193	187	205	211	223	31,872
Other metals.	213	189	217	225	213	4,268
Shipbuilding.	206	206	193	214	239	1,756
5. Printing, Binding, Etc.	224	217	223	252	240	22,416
6. Wood Working and Furniture.	188	174	172	194	187	10,528
7. Food and Liquors.	168	168	177	184	188	13,359
Food products*.	157	152	170	178	185	6,350
Beverages.	184	198	185	190	190	7,009
8. Theaters and Music.	264	296	364	367	311	3,404
9. Tobacco.	134	133	141	147	152	8,834
10. Restaurants and Retail Trade.	155	158	178	176	186	7,475
Hotels and restaurants.	156	160	181	186	183	5,850
Retail trade.	153	154	171	152	196	1,625
11. Public Employment.	199	214	210	224	206	9,068
12. Stationary Engine Men.	225	213	211	229	257	12,404
13. Miscellaneous.	149	151	171	185	194	10,688
Paper and paper goods.	146	140	131	143	149	3,293
Barbering.	141	144	147	154	164	2,726
Leather and leather goods.	118	127	165	171	178	1,136
Glass and glassware.	241	248	292	312	306	1,235
Cement and clay products.	†	†	123	200	217	541
Other distinct trades.	161	156	246	244	261	1,585
Mixed employment.	91	93	104	107	145	172
Total.	\$186	\$175	\$187	\$212	\$205	322,473

* Marine cooks and stewards were transferred in 1904 from " Food Products " (Group VII) to " Navigation " (Group II).
† Included in " Railways."
‡ Included in Group I.

WAGES OF ARTIFICIAL FLOWER MAKERS.

The March BULLETIN (page 57) contained some statistics of wages earned by strawbraid sewers in New York City, who make wages of \$15 to \$35 a week, as a consequence of their skill and the reluctance of manufacturers to undertake the training of additional operatives for a trade peculiarly subject to the vagaries of fashion. Another minor industry which is almost wholly confined to New York City is the making of artificial flowers, which the metropolis has developed with considerable rapidity in the last few years. According to the last census of occupations, there were two thousand artificial flower makers in this state; the number is now probably somewhat larger, but the following statistics embracing 1,015 employees doubtless represent nearly one-half of the workers in the industry. The inspector who collected the figures in April last says that they cover all classes of factories, some making only the cheapest and others the highest grade only. Some of the firms from which reports have been collected manufacture feathers also and one establishment makes decorative plants. The largest factory reporting employed 142 workers, the smallest 21, thus:

ESTABLISHMENTS REPORTING.	NUMBER OF EMPLOYEES.		
	Male.	Female.	Total.
A.....	4	35	39
B.....	8	65	73
C.....	4	36	40
D.....	3	18	21
E.....	8	39	47
F.....	19	33	52
G.....	20	73	93
H.....	6	57	63
I.....	18	15	33
J.....	5	40	45
K.....	6	60	66
L.....	2	25	27
M.....	9	133	142
N.....	35	30	65
O.....	16	62	78
P.....	8	123	131
	<u>171</u>	<u>844</u>	<u>1,015</u>

Two or three of the sixteen firms represented in the table reported the average weekly earnings of employees for the entire

season, but in most cases the inspector merely tabulated one weekly pay-roll. The result is shown below:

NUMBER OF EMPLOYEES EARNING SPECIFIED AMOUNTS PER WEEK.

Weekly wage.	Males.	Females.
\$3 00.....	.....	38
3 25.....	.....	2
3 50.....	.....	10
4 00.....	3	67
4 50.....	2	65
5 00.....	10	58
5 25.....	1	.....
5 50.....	4	25
6 00.....	21	101
6 50.....	3	16
6 88.....	.....	42
7 00.....	14	53
7 50.....	1	12
7 82.....	.....	18
8 00.....	13	63
8 50.....	.....	24
8 73.....	.....	49
9 00.....	11	55
9 50.....	8	7
10 00.....	12	49
10 50.....	3	7
10 81.....	.....	28
11 00.....	3	9
11 50.....	4	.....
12 00.....	17	28
12 50.....	4	.....
13 00.....	3	3
14 00.....	5	1
14 50.....	3	2
15 00.....	7	3
16 00.....	5	1
17 00.....	.....	1
18 00.....	2	1
19 00.....	.....	2
20 00.....	.....	3
22 00.....	1	.....
23 50.....	6	.....
24 00.....	.....	1
25 00.....	3	.....
33 00.....	1	.....
50 00.....	1	.....
	<u>171</u>	<u>844</u>

The lowest wages paid to a man or boy is \$3 a week, the highest \$50, which in all probability goes to an employee who manages the business. The most usual wages is \$6, but \$7, \$8, \$9, \$10 and \$12.50 are also common. The average, or better, the median wage would be about \$9.70 a week.

While the men, who do the more skilful work of designing, cutting, dyeing, etc., are usually employed by the week, the women and girls as a rule do piece work. The median wage, representing the point at which those earning more just balance those earning less than the median, is about \$6.80. This is just about \$1 above the average wage of female makers of artificial feathers and flowers revealed in the Federal census of manufactures of 1904-5. All the manufacturers interviewed by the inspector, in fact, reported that they had been obliged to pay higher wages this year and that even then they could not procure sufficient help.

Several employers stated that many of the workers take work home at night and thus add to the wages reported. The largest concern represented in the statistics states that earnings from night work during five or six months every year are equivalent to one-sixth of the weekly wage for fully one-half of their employees.

The period of employment varies so much for the different employees that satisfactory figures could not be obtained. The following is probably as complete a tabulation as can be presented:

AVERAGE WEEKLY WAGES.	MALES WORKING—		FEMALES WORKING—	
	Full time.	Part time.	Full time.	Part time.
\$13.00 and over.....	41	0	5	0
10.50 to \$12.50.....	15	7	35	0
8.00 to 10.00.....	24	61	126	28
7.00 to 8.00.....	5	14	217	69
6.00 to 7.00.....	1	3	43	176
Under \$6.00.....	2	7	23	47
Total.....	88	92	499	320

A glance at this summary shows that the high-salaried men and women usually worked full time—that is about fifty weeks a year. But the boys and girls and the unskilled or inefficient workers, who do the “cheaper” kinds of work, are employed only part of the time—from three to six months a year.

CHILDREN WORKING IN NEW YORK CITY TENEMENTS.

Second Report.

In the March BULLETIN (pages 67-69) were presented two tables of statistics respecting the employment of children at home in connection with tenement manufactures in New York City. The investigation was continued from March 5th to 19th, with the results exhibited in the accompanying table.

TABLE IV.—CHILDREN FOUND WORKING IN TENEMENTS ON MACDOUGAL, SULLIVAN AND THOMPSON STREETS.

AGES.....	4	5	6	7	8	9	10	11	12	13	14	Totals.
Number working*.....	3	14	16	30	27	46	40	29	50	42	28	325
Boys.....	1	3	4	8	9	17	6	12	13	9	7	89
Girls.....	2	11	12	22	18	29	34	17	37	33	21	236
Number who attend school.....	9	14	30	27	45	40	29	50	41	24		309
Number who do not attend school.....	3	5	2			1				1	4	16
Number found in daytime.....	2	10	10	17	17	23	27	14	26	24	19	189
Number found after 6 P. M.....	1	4	6	13	10	23	13	15	24	18	9	136
Number making artificial flowers.....		9	14	30	27	44	39	27	47	37	28	302
Number finishing corsets.....		1				2	1	2	3	5		14
Number separating leaves.....	3	4	2									9

Number of families in which 2 children work, 56.
 Number of families in which 3 children work, 29.
 Number of families in which 4 children work, 10
 Number of families in which 5 children work, 1.
 Number of families in which 6 children, work, 1

The number of houses visited in the course of this inspection was 157, containing 3,288 apartments, of which 509 were used for manufacturing purposes. No record was made of the number of adult workers (including therein children over 14 years of age), but in a separate series of inspections of 100 of the houses *during school hours*, 513 persons were found at work or 5.13 persons to a house. The estimated total for the 157 houses, on the same basis, would be 805, in addition to the 325 children.

The following table summarizes the 157 houses by streets:

STREETS.	Houses.	Apartment- ments.	Apartments in which work is done.	Persons at work.	Houses not reporting as to number of workers.
Macdougall.....	30	658	71	35	21
Sullivan.....	70	1,387	266	291	16
Thompson.....	57	1,243	172	187	20
Total.....	157	3,288	509	513	57

*Inclusive of children not found at work but who admitted working, 60.

LABOR ORGANIZATIONS IN NEW YORK.

Workingmen's protective organizations, since the industrial relapse of 1903-4, have been steadily gaining in strength in New York, and the present year has been one of especially rapid growth. On the one hand, the work of organizing new unions has been actively carried on, and on the other hand the number of organizations forced to the wall through insufficient interest of the members is smaller than usual. In the half-year October 1, 1906, to April 1, 1907, the Bureau of Labor Statistics listed 146 new trade and labor unions, whereas only 107 of the existing unions went out of existence in that period. Of these 88 were dissolved, while 19 were amalgamated with other organizations. These figures do not include 16 unions that were re-organized through change of name, affiliation, etc. The gains and losses in the various industries are indicated in the following table:

NUMBER OF LABOR UNIONS DISBANDED, AMALGAMATED OR ORGANIZED OCTOBER 1, 1906-
APRIL 1, 1907.

INDUSTRY.	Re-or- gan- ized.	Dis- banded.	Amalga- mated.	Total lapsed.	New organiza- tions.	Net change.
1. Building, stone working, etc.....	8	13	4	17	23	+ 6
2. Transportation.....		15	....	15	37	+ 22
3. Clothing and textiles....	2	12	....	12	17	+ 5
4. Metals, machinery, etc....	5	8	9	17	22	+ 5
5. Printing.....		3	1	4	1	- 3
6. Wood working and furni- ture.....	1	5	1	6	3	- 3
7. Food and liquors.....		3	1	4	2	- 2
8. Theaters and music.....		4	....	4	4	....
9. Tobacco.....		....	....	....	....	....
10. Restaurants and retail trade.....		7	....	7	9	+ 2
11. Public employment.....		2	....	2	11	+ 9
12. Stationary engine men....		3	....	3	....	- 3
13. Miscellaneous.....		13	3	16	17	+ 1
Total.....	16	88	19	107	146	+ 39

The principal losses were in the building trades, the metal trades, the miscellaneous trades, the transport trades, and the clothing trades, and these same trades gained most of the new unions. As the net result of the changes, the transport trades made a gain of 22 organizations out of the total of 39 for all

trades. The switchmen alone organized 10 new unions in the period under consideration, while teamsters also gained additional unions; and in Group XI, Public Employment, several of the 11 new unions are organizations of drivers and hostlers employed in the street cleaning department of New York City.

At the end of March there were 2,459 trade and labor unions in the state, as compared with 2,420 six months earlier. The number of organizations is still smaller than it was at the end of the "boom" period of 1898-1903; but the aggregate membership, on the other hand, has attained a figure never before reached. For the first time there are recorded more than 400,000 organized wage earners in the Empire State, thus:

NUMBER AND MEMBERSHIP OF LABOR UNIONS, 1897-1907, WITH SEMI-ANNUAL INCREASE.

YEAR.	ORGANIZATIONS.			MEMBERS.		
	March.	Increase		March.	Sept.	Increase Sept.-Mar
		Sept.	Sept.-Mar.			
1897.....	927	1,009	.....	142,570	168,454	.....
1898.....	1,048	1,087	39	179,955	171,067	11,501
1899.....	1,156	1,320	69	173,516	209,020	2,449
1900.....	1,452	1,635	132	232,533	245,381	23,513
1901.....	1,742	1,871	107	244,851	276,141	*530
1902.....	1,930	2,229	59	279,950	329,101	3,809
1903.....	2,362	2,583	133	357,102	395,598	28,001
1904.....	2,555	2,504	*28	399,699	391,676	4,101
1905.....	2,420	2,402	*84	374,531	383,236	*17,145
1906.....	2,411	2,420	9	394,270	398,494	11,034
1907.....	2,459	.....	39	414,718	.....	16,224

In the half-year ending October 1, 1906, there was a gain of 4,200 in the membership, bringing the aggregate once more very close to the 400,000 line, which had almost been reached in 1903. In the last six months a further gain of 16,224 brought the aggregate to 414,718. As there are only 12,515 women members and relatively few boys in New York unions, the number of adult males is little short of 400,000, which is slightly more than one-fourth of the total number of votes (1,492,219) cast at the gubernatorial election of 1906.

The present strength of trade unionism and the latest gains made in the principal cities are exhibited in the following table:

*Decrease.

NUMBER AND MEMBERSHIP OF LABOR UNIONS IN LEADING CITIES

CITY.	ORGANIZATIONS.			MEMBERSHIP.			
	Sept., 1906.	March, 1907.	Change	Sept., 1906.	March, 1907.	INCREASE.	
						Number.	Per cent.
New York.....	680	705	+ 25	260,170	269,429	9,259	3.6
Buffalo.....	174	180	+ 6	29,590	31,817	2,227	7.6
Rochester.....	87	87	0	14,294	14,895	601	4.2
Schenectady.....	58	54	— 4	7,850	9,777	1,927	24.5
Syracuse.....	80	84	+ 4	8,345	8,337	*8	*0.1
Albany.....	80	84	+ 4	7,600	7,936	336	4.4
Troy.....	52	48	— 4	5,122	4,793	*329	*6.4
Total.....	1,211	1,242	+ 31	332,971	346,984	14,013	4.2
All other places.....	1,209	1,217	+ 8	65,523	67,734	2,211	3.4
Grand total	2,420	2,459	+ 39	398,494	414,718	16,224	4.1

The average gain in the membership of all unions was equal to 4.1 per cent for the entire state. This percentage was exceeded in four of the seven leading industrial centers, namely, Buffalo, Rochester, Schenectady and Albany; New York City's gain was a fraction less (3.6 per cent), while Syracuse remained virtually stationary and Troy sustained a decrease of 6.4 per cent. The remarkable increase in Schenectady is conspicuous; it is of course in the metal trades, to which the mass of the wage earners in Schenectady belong. Further details are given in Table III, of the Appendix, for the seven cities, which together contain nearly one-half of the labor organizations in the state and about four-fifths of the members of labor unions. In the smaller cities and villages, the average gain in membership was noticeably smaller and there were only eight more organizations in April than in October. Gains were made in Cohoes, with six new unions (textile workers in the main), Elmira and Amsterdam. Buffalo reported ten new unions, and a net gain of six; Schenectady ten new unions, and a net loss of four; Albany six new unions, and Syracuse five.

In New York City there were increases in membership in the transport and clothing trades, in restaurants and retail trade, in stationary engine tending and in the miscellaneous trades. The principal decrease was in the theatrical trades, but there were smaller declines in the printing trades, wood working, building and tobacco trades, as shown in the table below.

*Decrease.

CHANGE IN NUMBER OF LABOR ORGANIZATIONS AND MEMBERSHIP OF SAME IN NEW YORK CITY AND THE REMAINDER OF THE STATE, OCT. 1, 1906, TO APRIL 1, 1907.

INDUSTRY.	ORGANIZATIONS.		MEMBERS.		
	N. Y. City.	Other places.	New York City.	Other places.	New York State.
1. Building, stone working, etc.	+ 4	+ 2	— 130	+ 181	+ 51
2. Transportation.	+ 6	+ 17	+ 3,702	+ 2,012	+ 5,714
3. Clothing and textiles.	+ 2	+ 3	+ 3,482	+ 228	+ 3,710
4. Metals, machinery, etc.	+ 2	+ 3	+ 525	+ 2,953	+ 3,478
5. Printing and binding.	— 2	— 1	— 680	— 184	— 864
6. Wood working.	—	— 3	— 444	+ 61	— 383
7. Food and liquors.	+ 2	— 4	+ 245	+ 28	+ 273
8. Theaters and music.	—	—	— 1,332	+ 174	— 1,158
9. Tobacco.	—	—	— 204	+ 63	— 141
10. Restaurants and retail trade.	—	+ 2	+ 1,033	— 361	+ 672
11. Public employment.	+ 6	+ 3	+ 87	+ 106	+ 193
12. Stationary engine men.	—	— 3	+ 1,602	— 359	+ 1,243
13. Miscellaneous.	+ 5	— 5	+ 1,373	+ 2,063	+ 3,436
Total.	+ 25	+ 14	+ 9,259	+ 6,965	+ 16,224

Outside of the metropolis the only industries in which the membership declined were printing, retail trade, and stationary engine tending.

Among the individual trades the carpenters as heretofore have much the largest membership in their unions. Exclusive of carpenters working in mills, car shops or on ships, they have 187 unions in this state with an aggregate membership of 31,157. Bricklayers and masons have 82 unions with 13,352 members, in addition to which are a few unions composed exclusively of stone masons; painters and decorators follow with 97 organizations and 13,142 members. The other building trades do not compare with these three in numerical strength, but two classes of unskilled laborers rank next to the carpenters — the hod carriers and excavators.

As shown in the table there are 26 organized trades in New York which have at least 4,000 members. In almost every case, there has been considerable growth in the past year, while the changes since 1894 have been conspicuous in all occupations with a few exceptions like the printers, cigarmakers and railway employees, who were already strongly organized at the earlier date.

NUMBER AND MEMBERSHIP OF UNIONS IN THE PRINCIPAL TRADES.

TRADES.	UNIONS.			MEMBERS.		
	1894.	1906.	1907.	1894.	1906.	1907.
Carpenters and joiners.....	86	181	187	9,021	24,793	31,157
Hod carriers.....	27	43	52	6,742	16,389	17,958
Excavators.....	.....	2	2	.....	15,400	16,009
Bricklayers and masons.....	47	79	82	7,738	12,894	13,352
Painters and decorators.....	25	90	97	4,458	13,322	13,142
Cigarmakers.....	47	52	52	8,198	10,655	10,068
Compositors.....	27	48	43	7,068	9,813	9,730
Stationary engineers.....	10	64	59	939	7,487	9,305
Machinists.....	17	61	59	1,180	7,518	8,046
Musicians.....	17	37	36	4,584	7,919	8,029
Trainmen.....	29	47	45	1,521	7,521	8,002
Iron molders.....	30	49	48	3,158	7,489	7,543
Brewery workmen.....	24	53	49	3,153	6,797	7,090
Plumbers and gas fitters.....	*11	48	51	*3,895	7,410	6,933
Team drivers†.....	1	15	19	47	6,628	6,634
Plasterers.....	4	14	16	2,703	5,354	6,437
Electrical apparatus makers.....	.....	17	14	.....	2,887	4,872
Telegraphers.....	.....	17	15	.....	3,907	4,849
Firemen, locomotive.....	31	41	44	2,439	4,541	4,768
Electrical workers.....	2	36	38	666	5,310	4,655
Stationary firemen.....	1	15	13	36	4,047	4,588
Engineers, locomotive.....	34	41	42	3,241	4,318	4,532
Letter carriers.....	2	85	87	1,183	4,053	4,208
Jacket makers.....	3	4	6	2,675	2,800	4,202
Roofers and sheet metal workers.....	8	37	43	1,854	3,624	4,035
Cabmen and coach drivers.....	4	10	12	779	2,603	4,014

The number of women in the labor organizations of this state April 1, 1907, was 12,515 as compared with 11,625 six months previous. The increase of 900 is contributed by New York City and is largely in the garment trades, with a gain of 500; while trunk and bag making and the tobacco trades contribute 200 and 100 respectively.

*Includes steam fitters and helpers.

†Includes commission wagon drivers, delivery wagon drivers, express and mail wagon drivers, ice handlers and truck drivers; does not include beer drivers or hostlers employed in municipal departments.

INDUSTRIAL RELATIONS IN NEW YORK.

Statistics of Disputes in January, February and March.

Fifty industrial disputes involving stoppage of work were begun in the first quarter of 1907 as shown by the records of the Bureau of Mediation and Arbitration. There were 8,915 direct participants in these disputes and 5,568 others who were forced into temporary idleness by them though not themselves directly concerned in the controversies. The total loss of working time within the quarter on account of strikes and lockouts aggregated approximately 173,529 days. Of this amount, 159,680 days were lost in connection with the new disputes of the quarter (87,986 by those directly concerned and 71,694 by those indirectly involved), in addition to which there was a loss of 12,849 days in seven disputes which began in the last quarter of 1906 but continued into the first quarter of this year.

Disputes were much more numerous in the first quarter of 1907 than in the corresponding quarter of any of the last four years but so large a proportion of this year's disputes were of small dimensions that the average number of employees directly concerned was this year far below that in any other first quarter since 1902, thus:

FIRST QUARTER.					
	1907.	1906.	1905.	1904.	1903.
Number of new disputes.....	50	36	15	28	27
Employees directly concerned. Total.....	8,915	10,703	7,923	15,353	7,800
Average per dispute....	178	297	528	548	289

Only a half dozen of the new disputes of the first three months of 1907 were of a size sufficient to cause the loss of as much as two thousand days of working time in the quarter, as compared with thirteen such in the first quarter of 1906. All but one of the six leading disputes this year were in New York City and three were in the clothing trades of the metropolis, as follows:

LOCALITY.	Trade.	Date.	EMPLOYEES INVOLVED.		Aggregate days lost.
			Directly.	Indirectly.	
New York City...	Trouser makers.....	Jan. 20-Feb. 3.	2,800	3,000	69,600
*Cohoes.....	Knit goods makers... Jan. 2-18....		30	2,265	34,425
New York City...	Knee pants makers... Jan. 21-Feb. 6.		1,600	.....	12,800
*New York City...	Cloak and reefer m'k's Mar. 22-May 25		1,200	.....	19,600
*New York City...	Cigar makers.....	Feb. 18-Mar 23	300	.....	9,000
*New York City	Vaudeville actors....	Jan. 2-Feb. 1.	266	.....	7,182

* See narrative below.
† To March 31st.

The above six disputes occasioned most of the lost time in the first quarter, the other 51 (including the seven old disputes from the previous quarter) having caused in the aggregate only 30,922 days of idleness or an average of but 606 days for each dispute.

Below are summarized the causes and results of the fifty new disputes of the quarter. Strikes for increase of wages as their principal object were by far the most numerous, making up one-half of the total number of disputes and accounting for two-thirds of the quarter's direct participants in disputes. Of the other causes, trade unionism alone is prominent in respect of the number of disputes in which that figured or the principal point at issue. The fact that the jacket makers' strike in New York City was instituted chiefly to compel the employers, instead of the operators, to furnish machines, accounts for the prominence of "working arrangements" in respect of the number of employees concerned.

CAUSE OR OBJECT.	NUMBER OF DISPUTES.					Em- ployees directly concerned.
	WON BY—		Com- promised.	Pending or not reported.	Total.	
	Workers.	Em- ployers.				
Increase of wages.....	5	6	10	3	24	5,993
Reduction of wages... ..		3			3	76
Reduction of hours... ..		4			4	323
Trade unionism... ..	8	3			11	816
Particular persons or classes... ..		3			3	358
Working arrangements	1	2	2		5	1,349
Total disputes... ..	14	21	12	3	50	
Employers directly concerned... ..	2,282	1,367	5,075	191		8,915

Three small strikes against reduction of wages and four for reduction of hours were all failures and these serve to make results appear most often in favor of employers. But if numbers of employees directly interested be considered, and it be borne in mind that compromises in the case of strikes for advances in wages usually involve some increase and therefore represent some degree of success for the employees, the balance of results in the quarter's new disputes appears distinctly on the side of the workers.

BUREAU OF MEDIATION AND ARBITRATION.**Action upon Requests for Intervention.**

Since the last issue of the BULLETIN, the Bureau has received six requests for intervention in industrial disputes, as follows:

GENEVA BOILER MAKERS.

On April 10th the Bureau received a written request for intervention in a strike of boiler makers employed by the New York Central Iron Works at Geneva from the business agent of the Geneva Central Labor Union. Investigation disclosed the condition at that time to be that a strike of boiler makers in the plant of the New York Central Iron Works for an increase in wages had existed for several weeks, there being about twenty strikers directly involved. The employing corporation claimed it had succeeded in filling the places of the strikers, and, considering the strike as having terminated, refused to re-open negotiations with the organization involved; the statement was also made that a strike of the employees of the molding department, which occurred at about the same time and for the same reason, had been terminated by the abandonment of the molding department.

While the original dispute was caused by a demand for an increase in wages, it had resolved itself into a contention, by the employers, for the "open shop," and for a return to the ten-hour day in the boiler-making department, instead of the nine-hour day which had for some time obtained. The management claims to be successfully maintaining those conditions.

BUFFALO SWITCHMEN.

On April 13th a committee representing one of the locals of the Switchmen's Union of Buffalo demanded the re-instatement of a yard conductor who had been dismissed from the service of the New York, Chicago and St. Louis Ry. Co., with the alternative that all of the men employed in the yard service — that is, yard conductors and switchmen — would quit work at midnight of that day to enforce the demand. A request for intervention by the Bureau was received from the grand office of the Switchmen's Union on that same day. Through our intervention a conference was arranged between the superintendent of transporta-

tion and the division superintendent of the employing corporation, the grand master and secretary of the national organization of switchmen, and Mr. Lundrigan representing this Bureau, at which an agreement was reached that the man in dispute be reinstated forthwith, pending a full investigation of the causes leading up to his dismissal to be held on the 15th. This had the effect of temporarily postponing the threatened strike. On the 15th the investigation was held, the result of which was the permanent re-instatement of the discharged employee and provisions for the future adjustment of the other matters in dispute.

ROCHESTER STREET RAILWAY LABORERS.

On April 17th a telegraphic request for intervention was received and responded to. The situation was found to be that about 350 laborers employed by the local street railway corporation, in the track department, had been on strike since April 11th for an increase in wages from \$1.60 to \$2.00 per day. The strikers were not organized when the strike occurred, but had subsequently organized themselves into a local of the laborers' union. A conference between representatives of the management and of the men on strike was arranged, which resulted in a settlement of the dispute in the form of a compromise, the rate thereafter to be \$1.80 per day.

LOCKPORT FIBER WORKERS.

On April 24th, thirty-two pressmen employed by the Indurated Fiber Company of Lockport went on strike for an increase in wages from \$2.00 to \$2.25 per day. Four days later the rest of the employees in this plant—about two hundred in all—stopped work, which rendered the entire plant idle. The employer claims they went on strike; the employees claim they were locked out. On May 26th the intervention of the Bureau was requested by the officers of the union involved. We undertook conciliation, but found this corporation which had heretofore dealt with the union and practically maintained union establishments, had determined to establish and maintain the "open shop," and refused absolutely to treat with their former employees collectively. The employees' committee was willing to submit the matter in dispute to arbitration, but owing to the refusal of the employer to accept any proposal involving collective bargaining, nothing was accom-

plished. At this date, May 28th, the plant and employees are practically idle.

ALBANY AND HUDSON RAILWAY EMPLOYEES.

As a result of the failure to agree to the demands for increase in wages of motormen and conductors employed on the Albany & Hudson railway, a request for intervention by the Bureau was made by a committee representing the employees on June 4th. A representative of the Bureau conferred with both parties to the dispute several times, and, when it appeared that no settlement satisfactory to both sides could be reached, recommended the submission of the question in dispute to arbitration. The representatives of the employees acquiesced in the recommendation; but before a final reply was had from the management, another conference was held directly between the parties, which resulted in the acceptance of a compromise wage rate of 28½ cents per hour, instead of 28 cents which was the existing rate since January 1, 1907, although the last schedule or working agreement provided for but 27 cents per hour, the increase to 28 cents at the beginning of the year being a voluntary advance over the then existing rate. The settlement also provided for a working agreement, covering conditions and rules of employment, mutually satisfactory.

NEWBURGH CARPENTERS.

In response to a request from some of the citizens of Newburgh, a representative of the Bureau visited that city for the purpose of attempting to effect conciliation in disputes in the building trades, and found the conditions to be that on April 8th a general strike of carpenters was inaugurated as a result of the refusal on the part of the employers to grant an increase in the wage rate from 37½ cents to 44 cents per hour. Inquiry demonstrated the fact that the building industry of the community was practically paralyzed, but that nearly all of the workpeople engaged in the strike were temporarily employed in adjacent towns or had secured permanent employment elsewhere, and that the employers so far had either not tried or at least had not succeeded in filling their places. The last proposition looking toward a settlement had been a compromise offered by the workpeople of 40 cents per hour, which had been rejected by the employers. Our efforts to effect conciliation were unsuccessful.

Albany Coal Teamsters and Handlers.

On May 13th about 240 teamsters and coal handlers employed by the retail coal dealers of Albany went on strike for an increase in wages from \$12.00 to \$15.00 per week. This Bureau tried to prevent the strike before the actual stoppage of work by urging the continuation of negotiations; but while each party expressed a willingness to meet the other on the other's request, neither was willing to make advances; and the employers' committee expressed confidence that the men were satisfied and would not actually strike. After the strike had taken place, further efforts toward adjustment were made without success. After eight days' suspension of delivery, the strike was settled through a compromise, the new rate to be \$13.00 per week, other conditions of the working agreement now in force to continue.

Cohoes Textile Workers (Carders).

Sometime previous to April 1st the carders' union, through their committee, presented the managements of the several textile mills situated at Cohoes, Troy, Waterford and vicinity—some sixteen in all—with a demand for an increase in wages of 25 cents per day, effective April 1st. This proposition was met by a counter proposition from the manufacturers' association—of which practically all employers affected were members—of an increase of 12½ cents per day instead of 25 cents. This was rejected by the workpeople and it was followed by another proposition from the employers that the question in dispute be submitted to arbitration. This was likewise rejected by the employees, and on April 1st a strike was inaugurated in one plant, the idea of the workpeople evidently being to adjust the matter in detail. Apparently the manufacturers took this view, or the mill affected insisted on the coöperation of the association, for on April 8th the other mills practically locked out their card-room employees, leaving the other departments in operation until they were forced to suspend for lack of carded material. This Bureau intervened in an effort to effect conciliation or arbitration, and on the 20th had brought about a proposition from the workmen that the employers grant the 12½ cents per day increase and submit the question of further increase to arbitration. This was rejected by the employers. Thus each side successively refused arbitration.

The effect of the strike at the beginning of its fourth week was, that instead of the original three hundred carders who had struck and been locked out, there had been rendered idle between three thousand and four thousand mill operatives who were dependent upon the carding operation. At this stage we insisted that the practice of transmitting propositions back and forth without discussion or explanation should cease, and instead that there be a joint meeting of all the mill managements with the committee and officers of the workpeople and the representative of this Bureau. Such meeting was held on the 24th, and resulted in a compromise proposition from the manufacturers' association which provided for an increase of 15 cents per day to the men on strike. This was accepted by the employees on the 25th and terminated the dispute.

New York City Belt Makers.

A strike in the leather belting factory of Bonner & Barnewall commenced on March 1st and ended April 11th. Its cause was the demand of the belt makers for an increase of 15 per cent in wages. It was settled through conciliation by this Bureau on April 11th, by the firm granting an increase of \$1.00 per week to each of its employees that had not received a similar increase on January 1, 1907. It was agreed that all the men were to return to work in the places they had prior to the strike, and that there should be no discrimination.

On May 17th complaint was received from the officers of the National Association of Leather Belt Makers, that the president of the local union had been discharged by Bonner & Barnewall, which they considered a violation of the said agreement. That matter was taken up, with the result that the discharged employee was re-instated on May 20th.

New York City Cloak and Jacket Makers.

A strike in the cloak factory of A. Beller & Co. was precipitated December 29, 1906, by an order to change the luncheon hour from 12-1 P. M. to 1-2 o'clock. Efforts at conciliation were made by the Bureau, and in the first instance the employers agreed to take all of the striking employees back, at the same time restoring the lunch hour to the original period. Controversy then arose over the proposal that all the employees should return to

work collectively, the employers maintaining that they must resume work in the order of sequence of service or operation. The outcome of this was a renewal of the strike, during which considerable bad feeling was manifested. Several of the strikers were arrested for violence, and the matter finally wound up in the courts, the employers securing an injunction restraining certain parties mentioned in the decisions, which virtually meant the union and its officers, from interfering with their employees. The ultimate outcome of the whole trouble was, that while most of the original employees returned to work, they did so unconditionally and as individuals—not as an organized or collective body. The strike terminated February 15, 1907.

A strike for recognition of the union occurred in the cloak and suit establishment of Israel Alper on January 3rd and ended February 1st. Settlement was effected through conciliation by the Bureau on terms satisfactory to all parties to the dispute, which were not made public.

On the 22d of March, 1,200 union operators on children's cloaks and reefers stopped work in eleven establishments to compel the acceptance of a new trade agreement, which included a provision that sewing machines should be furnished thereafter by the employers instead of the employees. The Bureau of Mediation made several ineffectual efforts to settle the dispute, which however continued to May 25th, when the employers agreed to the union's demands including a reduction of hours from 59 to 56½ a week, and an increase of wages (estimated by the union at one dollar a week) as well as the furnishing of machines by the employers. The union reports that its members lost \$126,000 in wages, that \$8,000 were expended in strike benefits, etc., and \$5,000 for incidentals, including legal expenses incurred in the defense of 75 members arrested for interfering with men employed by the manufacturers' association. The manufacturers report a loss of \$40,000.

New York City (Queens) Enameled Ware Makers.

A strike took place in the factory of the Lalance & Grosjean Manufacturing Company at Woodhaven, Queens Borough, May 13-23 to obtain an increase of \$1.00 a week in the wages of girls

employed in the dipping or japanning room (200 dippers and 75 wipers). The tinsmiths, spoon hands and those in the galvanizing room — 235 in number — went out in sympathy with the strikers, but remained out less than a day. No formal demand for increase had been made previous to the strike.

On the 14th of May the Bureau brought about a conference between the management and a committee of the strikers, together with our representative, when formal demands were made for increase noted above, together with complaint of harsh treatment of female employees by a certain foreman. After several conferences the striking employees (girls) returned to work May 23rd at the old rate of wages with the understanding that an adjustment would be made as soon as practicable, and that the matter of harsh treatment would be investigated and, if founded on fact, stopped. The firm offered to place the girls on piece work so that each girl would be paid in proportion to the work she turned out. This was rejected.

The strikers lost about \$2,000 in wages, and as they did not belong to a union there were no strike benefits paid.

New York City (Richmond) Freight Handlers.

On January 8th a committee representing the freight handlers employed by the Staten Island Railroad Company at St. George made a demand on the corporation for an increase in wages from 18½ cents to 20½ cents per hour. The men were working on an average of ten hours per day, the existing rate being \$1.85 per day, and this increase would bring the rate up to \$2.05 per day. The demand was refused, and on January 9th about 100 of their number went on strike. Mediation by the Bureau was unsuccessful, the employing corporation the next day succeeding in filling the places of the men on strike. The men engaged in this dispute were not organized.

New York City Longshoremen.

The dispute commenced among the unorganized men connected with the Ward and Mallory Lines. On April 29th the men on the Ward line — some 500 in number — went on strike, demanding 35 cents an hour for day work and 40 cents for night work and overtime, instead of the existing flat rate of 25 cents per hour.

On the 29th, 1,000 men connected with the Ward line in Brooklyn went on strike to find out the conditions of the strike in Manhattan, and soon thereafter endorsed them, and about 1,500 men demanded the above stated increase. Several conferences were arranged between the men and the superintendent of the Ward line, and a settlement was reached on May 10th which granted 30 cents an hour to the longshoremen and 35 cents to the coal passers.

On April 29th, 500 unorganized longshoremen employed by the Mallory line went on strike, demanding an increase from 25 cents an hour to 30 cents for day work and 45 cents for night work. The strikers had no place of meeting and were not permitted to go on the company's docks. On our request the employing corporation permitted the strikers to meet on the pier for the purpose of conference, when they stated their demands to be as above. Several conferences were arranged for and held between the committee representing the strikers and the management, with the ultimate result that the strike was settled on May 7th, the men receiving 30 cents an hour for day time and 35 cents for night, overtime and Sundays, as against the former flat rate of 25 cents an hour.

On May 3d the longshoremen employed by the Southern Pacific Company struck. They demanded 35 cents an hour for day time and 50 cents for overtime. This strike was ended on May 5th, the men receiving 30 cents an hour for day work and 40 cents for overtime, instead of the then rate of 25 cents flat. The longshoremen connected with this dispute were not identified with the organization involved in the general strike.

The more general strike of the unorganized longshoremen commenced in New York City on May 6th, when, according to the local president of the striking longshoremen, there were some 8,000 men on strike in Manhattan and 4,000 in Brooklyn. Of the 8,000 in Manhattan, he claims that 3,000 belong to the organization, and in Brooklyn, 1,500. At 7 o'clock on the morning of May 6th, the men at the White Star Line went on strike, 500 being affected. In this case the demands were 40 cents per hour for day work, 60 cents per hour for night, Sunday and holiday work. At 11 o'clock on the morning of May 6th, Mr. Patrick Connors, presi-

dent of the organization involved in the strike, accompanied by a delegation from the longshoremen's union, made a request for an increase in wages as above. The management asked for time to consider, and was told it would have to be settled by 1 o'clock that afternoon or all the men under the control of Mr. Connors would be ordered on strike. The management contended that it would be impossible to adjust such a matter in the time given, and could not promise to do so. This was evidently construed to be a refusal to grant the demands, and the men employed by some 25 steamship companies in New York City were then ordered on strike.

Up to date we have received the following returns from steamship companies in New York:

	Number employed.	Number on strike.
Cunard Line	200	80
Atlantic Transport Company.....	400	400
Red Star Line.....	200	200
American Line.....	200	200
Southern Pacific S. S. Company.....	1,500	1,500
White Star Line.....	500	500
Wilson Line.....	176	176

Mr. Emil Boas, general agent of the Hamburg line, was acting for a time as president of the conference, having the interests of the steamship companies in charge in New York City. So far, no returns have been received from them. Returns as above given were obtained by visiting the various steamship companies' offices.

The longshoremen in Brooklyn who went on strike on May 1st were principally those connected with the work at the Bush Docks at South Brooklyn. They demanded 40 cents an hour for day work and 60 cents for overtime. On the same date, May 1st, some 600 stevedores connected with the Bush Docks also went on strike. They made no demands whatever — simply quit work. They have not been replaced up to the present time.

The Bureau made several efforts to effect conciliation in the various subdivisions of this strike, but except as hereinbefore stated, the general attitude of the employing corporations was a positive refusal to recognize Mr. Connors or the organization he represented or to arbitrate the dispute in question, on the ground that it was impossible for them to do otherwise than refuse the

advanced rate demanded, as the business would not warrant the increase requested.

The dispute lasted until June 13th, when it was ended at a conference between the steamship managers and the delegates of the union, arranged by the Industrial Mediator. No change in wages or hours was made but the managers agreed to take back all the men they could. The terms were accepted at a meeting of the union the same evening and the next day about 10,000 men returned to work.

New York City Masters, Mates and Pilots.

Sometime previous to May 1st, Harbor No. 1 of Masters, Mates and Pilots' Association presented to the management of the several coastwise steamboat lines having a terminal at New York City a demand for a uniform rate of wages for first, second and third officers, rated as follows: First officer, \$100; second, \$80; third, \$60 per month. The change meant an increase in wages of from 5 per cent to 35 per cent. The manner of presenting this demand was unusual, being through the secretary of the officers' organization, who had been given what was practically a power of attorney to act for them. As this demand was ignored, the same officer, Mr. Luther B. Dow, filed with the several employers the individual resignation of each officer who was a member of the Masters, Mates and Pilots' Organization, which meant practically all of them — about 300 in number — such resignations to take effect May 1st or as soon thereafter as vessels which might on that date be at sea, should reach the home port. Owing to the character of this service this Bureau made particularly diligent and determined efforts to prevent an interruption of operation, which were partially successful, resulting in a proposition from the Consolidated Steamboat, the Southern Pacific, and Clyde Lines, which provided for a graduated scale of wages, based on the size and capacity of ships; and it was understood that the basis of settlement agreed upon by the foregoing lines would probably be accepted and adopted by practically all lines affected. This proposition formed a basis for discussion and resulted in a settlement without a strike, through negotiations directly between the parties, on the graduated scale basis. Final settlement was

effected May 3d through agreements between the several managements affected and the Masters, Mates and Pilots' Organization, providing for the original rate asked for — \$100, \$80, and \$60 per month for first, second and third officers of first-class ships; \$90 and \$70 per month for first and second officers of second-class ships, and \$85 and \$65 for first and second officers of third-class ships. (Second and third-class ships do not carry third officers.) The total monthly increase for the 295 men amounted to \$5,962.50.

An arbitration committee consisting of Mr. Andrew Fletcher and Mr. Charles English for the steamboat lines, Captain Cowan and Luther B. Dow, Secretary of Harbor No. 1, for the employees, was appointed to properly classify the ships, which has since been successfully accomplished.

This dispute caused little, if any, interruption in this industry, as it was patent that a settlement was being effected when the date fixed for the resignation of the employees had arrived.

The agreement follows:

Agreement Between Consolidated Steamship Lines and American Association of Masters, Mates and Pilots.

NEW YORK, N. Y., May 2, 1907.

The following rate of wages to be paid to the officers of the various steamships of the Consolidated Steamship Lines, the same to take effect when signing articles on or after May 1, 1907.

Clyde Line, temporary classification, 8 ships 1st class, subject to decision of arbitrators as hereinafter provided.

First officer,	\$100.00 per month	} First class
Second "	80.00 " "	
First officer,	90.00 " "	} Second class
Second "	70.00 " "	

Ward Line, temporary classifications, 9 ships 1st class, subject to decision of arbitrators as hereinafter provided.

First officer,	\$100.00 per month	} First class
Second "	80.00 " "	
Third "	60.00 " "	
First officer,	90.00 " "	} Second class
Second "	70.00 " "	

Porto Rico Line.

First officer,	\$100.00 " "	} First class
Second "	80.00 " "	
Third "	60.00 " "	
First officer,	90.00 " "	} Second class
Second "	70.00 " "	

Mallory Line.

First officer,	\$100.00	"	"	} First class
Second "	80.00	"	"	
Third "	60.00	"	"	

Metropolitan Line.

First officer,	\$100.00	"	"	} First class.
Second "	80.00	"	"	

Provided, a Board of Arbitration shall be selected to discuss the classification of the various steamships as follows:

Two members of the Board to be selected from the American Association of Masters, Mates and Pilots.

Two members of the Board to be selected by Consolidated Steamship Lines.

And a fifth member to be selected to the Board by the four members of the Board, if necessary.

The duties of this Board of Arbitration, to discuss three classes, and to place each vessel in a proper class.

In the event of this Board agreeing upon a third class to rate, to wit:

First officer, \$85 per month; second officer, \$65.

Upon this Board agreeing and reporting the findings, all officers to be rated at once according to the class to which the vessel has been placed.

Further provided, it is mutually agreed that the relations between the officers and the owners shall not be affected by the conferences and agreement reached.

LUTHER B. DOW, *General Counsel.*

CALVIN AUSTIN, *President.*

New York City Painters and Decorators.

The only important dispute existing in the building trades of the metropolitan district this spring might be termed a continuation or renewal of the painters' and decorators' strike of last year, which was caused by a demand for an increase in wages. At the time of the strike last year, the painters' union was represented in the arbitration plan of the Building Trades Association, and the question in dispute was finally referred to Charles Stewart Smith as umpire. His decision (see BULLETIN, June, 1906, pages 184-6) was adverse to the workmen — in fact, would cause a considerable reduction in wages in some departments of the trade. By referendum vote of the members, the union refused to accept his decision, and since that time was understood to be outside the pale of the general arbitration plan of the building trades.

The contention and rivalry heretofore existing between the Brotherhood of Painters, which conducted the strike last year, and the former rival organization known as the National Alliance of

Painters, seems to be eliminated in the present dispute and the strike is being conducted jointly by the two organizations. The contention is practically the same as last year — for an increase in wages in the Boroughs of Manhattan and Bronx of from \$3.50 to \$4.00 per day for painters, and from \$4.00 to \$4.50 per day for decorators; in the Boroughs of Richmond, Queens, and Kings from \$3.00 to \$3.50 for painters, and from \$3.50 to \$4.00 for decorators.

Another unusual feature of the present dispute is, that while the American Federation of Labor and the Central Federated Union of New York City sanctioned and approved demands for the increase, there has been no sympathetic strike, owing to the participation of the other building trades unions in the general arbitration plan of the Building Trades Association. Several conferences between the workmen and employers were held, without effecting a general settlement, and a general strike began April 1st, involving about one-half of the 12,000 painters and decorators in Greater New York, the balance being employed by individuals or corporations who had previously signed the new wage scale. The union reports indicate that up to June 11th about 200 employing painters signed this agreement, and that nearly all employing painters were paying the advanced scale, as there were less than 400 painters idle in the metropolitan district on this date on account of the strike. Indications now are that the advance asked for has been generally adopted as the rate without any formal settlement by employers and employees collectively.

A copy of the agreement between the two national organizations, which includes the new wage schedule, follows:

Agreement entered into this day between representatives of the National Alliance of Painters and the Brotherhood of Painters, Decorators and Paper Hangers.

That at the expiration of this agreement the National Alliance shall become members of the Brotherhood of Painters and the question of how many locals there shall be, shall be submitted to a referendum vote.

This agreement entered into to be submitted to both organizations for a referendum vote.

This agreement to last for the term of one year after approval by both organizations. That a joint Conference Board shall be formed of five from each organization who shall have charge of all matters pertaining to the trade and refer all violations of working and trade rules to the respective

Unions for discipline, and the findings of the said Unions must be reported to the Conference Board.

That the initiation fee within the limits of Greater New York be the sum of twenty-five (\$25.00) dollars in both organizations.

That the dues be at least fifty cents per month in both organizations.

That the names of all applicants for admission in either organization, under this agreement, must be submitted to the Conference Board before being initiated.

Under this agreement no member of one organization can carry a working card or be a member of the other organization.

Members of both organizations must recognize the business agents of both organizations and show their card upon demand.

That no general strike shall be declared without the consent of both organizations.

That both organizations enforce the arbitration decision, relating to the painting of structural iron.

That both organizations agree to recognize each other's working cards, and members of National Alliance working out of town must apply to Conference Board for a Brotherhood working card.

That both Unions remain in their respective central bodies, and agree to work in the interest of the trade.

We agree upon the following wage scale:

For the Boroughs of Manhattan and the Bronx:

Plain painting and varnishing..... \$4.00 per day.

Decorating and gilding 4.50 " "

For Kings, Queens, and Richmond Boroughs:

Plain painting and varnishing 3.50 " "

Decorating and gilding 4.00 " "

Paper hanging as per price list.

Marine — Plain painting and varnishing 3.50 " "

Gilding 4.00 " "

Ship bottom work and buoy tops40 " hour.

All Sundays and legal holidays, double time (seven hours to constitute a day's work on Sundays, and all legal holidays). All other over-time shall be considered double time.

No work to be performed between the hours of 12 and 5 P. M. Saturdays.

Under no consideration shall any work be performed upon Labor Day.

We, the undersigned representatives of the Brotherhood of Painters and National Alliance Painters, hereby subscribe our names the 13th day of February, 1907, to the above agreement.

For Alliance:

VICTOR BUHR,

THOS. WRIGHT,

ABEL BALDWIN,

CHAS. RAUSCH,

THOS. DWYER,

WM. E. HAYWARD,

J. C. BAILHORN, *General President.*

For Brotherhood:

CHARLES M. EMES,

L. J. BROWN,

THOS. J. LOWERY,

JOHN J. COLLINS,

CHAS. KNOCHÉ,

ARTHUR BROOKS,

This Agreement to go into effect not later than March 1, 1907.

Approved by the Conference in New York of delegates from the Central Federated Union and three members of the Executive Council of the American Federation of Labor.

American Federation of Labor:	Central Federated Union of New York:
JAMES DUNCAN, <i>Chairman</i> ,	DANIEL HARRIS,
JAMES O'CONNELL,	CHARLES DELANEY,
FRANK MORRISON, <i>Secretary</i> .	GEORGE GAILLARD.

The form of agreement presented to employers in the Boroughs of Manhattan and the Bronx contains additional provisions, as follows:

Paper hanging as per price list.

Also eight hours shall constitute a day's work from 8 A. M. to 12 M. and from 1 P. M. to 5 P. M. and all days except Saturday when four hours only shall be worked from 8 A. M. to 12 M.

That all employees shall be members in good standing in one of the above named organizations.

That no work will be subcontracted to employees.

That all employees shall be paid weekly.

That all employees working out of town shall be paid traveling expenses and board; traveling time to be considered as single time.

That all work performed before 8 A. M. or after 5 P. M. shall be considered as double time.

Employers doing work in any locality where the rate of wages is higher than the rate prevailing where place of business is situated agrees to pay the higher rate.

That the representatives of the above named organizations have the privilege of examining members' cards at any and all time.

The Association of Interior Decorators and Cabinet Makers, embracing twenty important concerns, accepted the advanced rates on May 18th, in the following agreement, which, it will be noticed, provides a special rate for varnishers employed in factories.

TIFFANY STUDIOS.

(347-355 Madison avenue, New York City.)

May 18, 1907.

Joint Conference Board of the Painters of Greater New York:

GENTLEMEN.—I beg to acknowledge your acceptance of May 17, 1907, of the proposition tendered by the Association of Interior Decorators and Cabinet Makers, regarding the wage scale for decorators, painters, and paper-hangers.

It is our understanding, as stated in your acceptance, that the wages for decorating and gilding shall be four dollars and fifty cents (\$4.50) per day; paper-hanging, as per price list. And that the wages for plain painting and varnishing shall be four dollars (\$4) per day, except on trim and furniture

manufactured by members of our Association in their factories, in which case the wages of varnishing shall be three dollars and fifty cents (\$3.50) per day. All other clauses in the proposition you recently submitted to remain in full force.

Yours very truly,

BOND THOMAS,

Chairman Executive Committee.

New York City Silk Weavers.

March 12th, 65 silk weavers employed at the Catoir silk mills struck for a 15 per cent advance in wages. Representatives of the Bureau conferred with both parties to the dispute and arranged for a joint conference on March 14th between them, which resulted in a compromise agreement, giving an increase of wages to piece workers of $7\frac{1}{2}$ per cent, time workers to be paid \$12.00 per week. It was also agreed that two of the men who had taken the strikers' places were to be discharged before the men returned to work. The strikers lost about \$400 in wages. No benefits were paid, as there was no regular labor organization, but simply a shop society. A vote of thanks was given by the employees to the State Board of Mediation and Arbitration for their assistance in adjusting the dispute.

New York City (Brooklyn) Sugar Refinery Employees.

On May 6th about 1,100 employees of the Brooklyn plant of Havermeyer & Company, sugar refiners, went on strike for an increase in wages. About half of the strikers were "mixers" and half laborers whose compensation had been $14\frac{1}{2}$ cents and 15 cents per hour respectively, instead of which they demanded a uniform rate of 18 cents per hour. The strikers were unorganized and had had no negotiations with the management until the date of the strike. On our intervention we found the management unwilling to deal with or negotiate with the strikers; on May 11th we succeeded in bringing about a conference between the management and a committee of the strikers, together with officers of the Bureau, which resulted in a compromise proposition by the management of a uniform rate of $16\frac{1}{2}$ cents per hour. This was accepted at a general meeting of the striking workmen the following day, and terminated the dispute.

New York City Vaudeville Actors.

This strike commenced January 2d; ended February 2d. The theater managers against whom the members of the Hebrew Variety Actors Union No. 5 struck were: H. Levy, Baum Bros., S. Agids, Mr. Lewis, Mr. Fleegid, and Mr. Rubenstein. They contended that the union wanted to force them to take on more men than they had room for, while the actors claimed they were fighting for recognition of the stage carpenters' union. Approximately three hundred employees were directly involved in this strike. The theaters affected were practically closed during the entire month, from January 2d to February 2d, except that the managers made an unsuccessful attempt to run them with moving picture shows. Settlement was finally accomplished by the managers meeting agents of the union on February 1st and signing an agreement mutually satisfactory, to run for five months.

DECISIONS OF NEW YORK COURTS.

Unconstitutionality of Statute Forbidding the Employment of Women in Factories at Night.

The decision of the Appellate Division, First Department, in *People v. Williams* (116 App. Div. 379; also in BULLETIN, Dec., 1906, p. 478), which declared so much of section 77 of the Labor Law as provides that no female shall be employed or permitted to work in a factory before 6 A. M. or after 9 P. M. to be unconstitutional and void, has been affirmed by the Court of Appeals in a decision handed down June 14th.

It is to be noted that the court expressly limits its decision to the clause before it, namely, so much of the statute as prohibits work by females before 6 A. M. and after 9 P. M., and is no authority against the constitutionality of that part of the statute which limits the number of hours of work per day and per week. Moreover the court held that the provision before it was void because it interferes with the liberty of *adult* females; but chapter 507, Laws of 1907, which will take effect October 1st, will amend that provision to divide the females affected by it into two separable classes, female minors under 21 and adult females, and the decision of the Court of Appeals will apply only to the provision relating to the adults. Consequently the Department of Labor will hold that section 77 of the Labor Law as it will be amended by chapter 507, Laws of 1907, will contain constitutional and enforceable provisions prohibiting (1) the employment of females of whatever age in factories more than six days or sixty hours a week, or with certain exceptions more than ten hours a day; (2) the employment of females under 21 years of age before 6 A. M. or after 9 P. M. in any day; and that only so much of the section will be void and unenforceable as prohibits the employment of females over 21 before 6 A. M. and after 9 P. M. Until the amendment takes effect, October 1st, section 77 effectively prohibits the employment of all females more than 60 hours a week or, with certain exceptions, more than 10 hours a day, and of female minors under 18 before 6 A. M. and after 9 P. M., but is ineffective and void so far as it in terms prohibits

the employment of females (over 18) before 6 A. M. and after 9 P. M. The Department will enforce the law accordingly.

The Attorney-General in his argument upholding the validity of the night-work prohibition said, in part:

"What, then, was the purpose of this act? The Legislature had in view two objects when the act in question was passed. First, it desired to protect the health of females by preventing their confinement, by reason of employment, for more than ten hours in any one day, and second, it desired to protect their health and guard their morals by preventing night work. It is for the welfare of the State to care properly for the health of its women, and the strongest proof of this is to be found in the fact that nearly every State in the Union has seen fit to legislate in some manner on this subject. The universal experience of laborers is that night work is detrimental to health. Night is the natural time for rest, and rest procured during the day is usually broken and unsatisfactory in its character. If this is true as to men, with how much greater force it applies to women, who by nature are more weakly constituted, less able to endure hardship, and endowed with a highly sensitive organization. Can it be that the Legislature, recognizing in this class of labor a great public danger, is unable to deal with it? More than five million females are engaged in labor in this country and 68.4 per cent of the women employed are employed in the New England and Middle Atlantic States; 67.6 per cent of all women employed are 21 years and upward, and 10 per cent of all women employed in manufacturing are married. (Wright, *Industrial Evolution of the United States*, p. 212; *Labor Problems*, Adams and Sumner, pp. 44, 52.)

"If it is true that this great portion of the community are without the protection of the police power of the State, then the Constitution adopted by the people to secure their rights has become, by interpretation, the instrument which defeats them. Viewed from a moral standpoint, night work for women is dangerous in the extreme. The married woman is compelled to assume a double burden. To the labor of the night is added the cares of her household during the day. Her children are neglected at the time when her watchful solicitude is most needed, and when her influences and training should supplement the day at school. Young girls are sent upon the street in the late hours of the night with the companions of their labor and opportunities for evil are multiplied."

OPINION OF THE COURT.

The People of the State of New York, Appellant, v. David L. Williams, Respondent.

Decided June 14 1907.

GRAY, J. The defendant was arrested and convicted upon the charge of having violated the provisions of section 3841 of the Penal Code. This section makes it a misdemeanor on the part of any person not complying with the provisions of article 6 of the Labor Law relating to factories. The provision of the Labor Law now in question is contained in section 77; which is entitled: "Hours of labor of minors and women" and reads that "No minor under the age of eighteen years, and no female shall be employed, permitted

or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day; or for more than ten hours in any one day except to make a shorter work day on the last day of the week; or for more than sixty hours in any one week, or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked." (L. 1903, ch. 184, sec. 2.) The information and the proof were that a female, named Katie Mead, over twenty-one years of age, was found by the factory inspector at work in a book binding establishment, in the city of New York, at twenty minutes after ten o'clock in the evening. There was no complaint with respect to the character, or construction, of the building and the defendant's guilt was rested, solely, upon his failure to observe the provision of the statute against a female being at work after nine o'clock in the evening. If the inhibition against employing a female in any factory after that hour was a valid act of legislation, then the defendant came within its operation and he was amenable to punishment. After the defendant had been found guilty, the trial court granted his motion in arrest of judgment and discharged him; holding that the legislative enactment was unconstitutional. The justices of the Appellate Division, in the first department, by a divided vote, have affirmed the order of the trial court.

In my judgment, the determination below was correct. I think that the Legislature, in preventing the employment of an adult woman in a factory, and in prohibiting her to work therein, before six o'clock in the morning, or after nine o'clock in the evening, has overstepped the limits set by the Constitution of the state to the exercise of the power to interfere with the rights of citizens. The fundamental law of the state, as embodied in its Constitution, provides that "no person shall * * * be deprived of life, liberty or property without due process of law." (Art. 1, sec. 6.) The provisions of the State and of the Federal Constitutions protect every citizen in the right to pursue any lawful employment in a lawful manner. He enjoys the utmost freedom to follow his chosen pursuit and any arbitrary distinction against, or deprivation of, that freedom by the Legislature is an invasion of the constitutional guaranty. Under our laws men and women now stand alike in their constitutional rights and there is no warrant for making any discrimination between them with respect to the liberty of person, or of contract. It is claimed, however, in this case, that the enactment in question can be justified as an exercise of the police power of the state; having for its purpose the general welfare of the state in a measure for the preservation of the health of the female citizens. It is to be observed that it is not a regulation of the number of hours of labor for working women; the enactment goes far beyond this. It attempts to take away the right of a woman to labor before six o'clock in the morning, or after nine o'clock in the evening, without any reference to other considerations. In providing that "no female shall be employed, permitted, or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day," she is prevented, however willing, from engaging herself in a lawful employment during the specified periods of the twenty-four hours. Except as to women under 21 years of age, this was the first attempt on the part of the state to restrict their liberty of person, or their freedom of contract, in the pursuit of a vocation. I find nothing in the language of the section which suggests the purpose of promoting health, except as it might

be inferred that for a woman to work during the forbidden hours of night would be unhealthful. If the inhibition of the section in question had been framed to prevent the ten hours of work from being performed at night, or to prolong them beyond nine o'clock in the evening, it might, more readily, be appreciated that the health of women was the matter of legislative concern. That is not the effect, nor the sense, of the provision of the section with which, alone, we are dealing. It was not the case upon which this defendant was convicted. If this enactment is to be sustained, then an adult woman, although a citizen and entitled as such to all the rights of citizenship under our laws, may not be employed, nor contract to work, in any factory for any period of time, no matter how short, if it is within the prohibited hours; and this, too, without any regard to the healthfulness of the employment. It is clear, as it seems to me, that this legislation can not, and should not, be upheld as a proper exercise of the police power. It is, certainly, discriminative against female citizens, in denying to them equal rights with men in the same pursuit. The courts have gone very far in upholding legislative enactments, framed clearly for the welfare, comfort and health of the community, and that a wide range in the exercise of the police power of the state should be conceded, I do not deny; but, when it is sought under the guise of a labor law, arbitrarily, as here, to prevent an adult female citizen from working at any time of the day that suits her, I think it is time to call a halt. It arbitrarily deprives citizens of their right to contract with each other. The tendency of legislatures, in the form of regulatory measures, to interfere with the lawful pursuits of citizens is becoming a marked one in this country, and it behooves the courts, firmly and fearlessly, to interpose the barriers of their judgments, when invoked to protect against legislative acts, plainly, transcending the powers conferred by the Constitution upon the legislative body.

In this section of the Labor Law, it will be observed that women are classed with minors under the age of eighteen years; for which there is no reason. The right of the state, as *parens patriae*, to restrict, or to regulate, the labor and employment of children is unquestionable; but an adult female is not to be regarded as a ward of the state, or in any other light than the man is regarded, when the question relates to the business pursuit or calling. She is no more a ward of the state than is the man. She is entitled to enjoy, unmolested, her liberty of person, and her freedom to work for whom she pleases, where she pleases and as long as she pleases, within the general limits operative on all persons alike, and shall we say that this is valid legislation, which closes the doors of a factory to her before and after certain hours? I think not. Without extended reference to the cases bearing upon the much discussed subject of the exercise of the police power, I need only refer to the recent case of *Lochner v. State of New York* (198 U. S. 145); where the Supreme Court of the United States had before it a case arising in this state under a provision of the Labor Law, which restricted the hours of labor for the employees of bakers. The argument there was, and it had prevailed in this court, that the legislation was valid as a health law under the police power; but the Federal Supreme Court refused to recognize the force of the argument and held, if such legislation could be justified, that constitutional protection against interference with the liberty of person and the freedom of contract was a visionary thing. It was held that bakers

"are in no sense wards of the state. Viewed in the light of a pure labor law, with no reference whatever to the question of health, * * * the law * * * involves neither the safety, the morals nor the welfare of the public, and the interest of the public is not in the slightest degree affected by such an act." It was, also, observed that "there must be more than the mere fact of the possible existence of some small amount of unhealthiness to warrant legislative interference with liberty."

So I think, in this case, that we should say, as an adult female is in no sense a ward of the state, that she is not to be made the special object of the exercise of the paternal power of the state and that the restriction, here imposed upon her privilege to labor, violates the constitutional guarantees. In the gradual course of legislation upon the rights of a woman, in this state, she has come to possess all of the responsibilities of the man and she is entitled to be placed upon an equality of rights with the man.

It might be observed that working in a factory in the night hours is not the only situation of menace to the working woman; but such occupation is, arbitrarily, debarred her.

For these reasons, I advise that the order appealed from should be affirmed.

CULLEN, Ch. J., EDWARD T. BARTLETT, HAIGHT, VANN, WILLARD BARTLETT and HISCOCK, JJ., concur.

Order affirmed.

Union Label Law Construed.

Lynch v. John Single Paper Co., 115 App. Div. 911.

The defendant company, which does a printing business in Syracuse, had entered into an agreement with the Allied Printing Trades Council of that city whereby in consideration of employing no skilled workmen except such as were members of the local unions affiliated with the Council, it obtained the use of the label registered by the International Typographical Union under sections 15 and 16 of the Labor Law. In 1903 the Council terminated the agreement, on the ground that the company was employing press-feeders who did not belong to the Assistant Pressmen's and Feeders' Union, and subsequently brought action, under section 16 of the law, to restrain the company from using its label and to collect \$5,000 damages for the unauthorized use of such label. The company demurred to the complaint on the ground that the Allied Printing Trades Council had no legal right to the label registered by the International Typographical Union, as the certificate of registration issued by the Secretary of State is not assignable under the terms of the law (section 15).

The defendant's demurrer was overruled and the injunction granted in June, 1906, and at the November Special Term of the Appellate Division of the Supreme Court, Fourth Department,

the judgment was affirmed by a divided court. Justice Andrews, in the prevailing opinion says, in part,

"It appears from the complaint that the International Typographical Union is an association of employees, having affiliated with it and subject to its jurisdiction various printing trades councils. One of these, the Allied Printing Trades Council, is a subordinate body of and affiliated with and subject to the general control and direction of the International Typographical Union. In 1896 the International Typographical Union adopted and registered a certain label 'for the purpose of designating the products of the labor of the members of the various bodies affiliated with it and under its general jurisdiction and control,' and for that purpose it has 'furnished and transmitted' the same 'to the local unions or subordinate bodies of said International Typographical Union.' It may fairly be inferred, therefore, that the various trades councils are local branches of the International Typographical Union. Their members are its members, and when it adopted a label for the purpose of designating the products of the labor of such members it may fairly be said in the language of the statute to have adopted it for the purpose of designating the products of its members. It next appears that the International Typographical Union has conferred upon the Allied Printing Trades Council of Syracuse the exclusive right to use and control this label in that city. The statute has conferred a property right in such a label even if its originator did not already possess it. This right could be sold or assigned unless these acts were prohibited. Fairly construed, the statute does mean to prohibit such an assignment. Not, however, a license conferred by the union or association upon some of its members or legal branches to use the label in a specified locality. Next it is stated that the defendant has without authority used this label and intends to continue such use to its profit and the damage of the plaintiffs, and judgment for an injunction and damages is, therefore, asked. It is claimed that under the statute only the union or association filing the label may maintain an action to prevent its unjustifiable use, and that, therefore, no cause of action is stated by the Allied Printing Trades Council. Probably such an action might be maintained independently of the statute (*Strasser v. Moonelis*, 23 J. & S. 197), but in any event the construction claimed is too narrow. The language is not exclusive. To so hold would, in such an action as the present where the presence of both plaintiffs is necessary to a complete determination of the questions involved, be a denial of justice. What the Legislature meant, and all that it meant, was that the parties injured might maintain such an action. The demurrer must, therefore, be overruled upon the usual terms."

Justice Nash, in a dissenting opinion concurred in by Justice Williams, held that the complaint did not bring the case within the provisions of the statute, since it did not allege that the International Typographical Union adopted a label "for the purpose of designating the products of the labor of its members" but only "for the purpose of designating the products of the labor of the members of the various bodies affiliated with it," and such

bodies, in the opinion of the Justice, might or might not be unions or associations of employees as required by the statute.

"It is not alleged," writes Justice Nash, "that the Allied Printing Trades Council of the city of Syracuse is a union or association of employees. It is only a union or association of employees which, under the statute, may adopt a label and avail itself of the rights and privileges provided by the statute. It is alleged in the complaint that the Allied Printing Trades Council of the city of Syracuse, under agreement with the International Typographical Union prior to and subsequent to the date of registry of said label, has been continuously entitled to the exclusive right, use and control of said label within the city of Syracuse. It is expressly provided that a certificate shall not be assignable by the union or association to whom it is issued. It is plainly the purpose of the statute to give to each union or association the right to the exclusive use of a label, and to protect every union or association in such use. To entitle a union or association to the rights and privileges of the statute, the union or association must bring its case strictly within its provisions."

Employers' Liability.

[Under this heading are recorded all decisions of court of records under the Employers' Liability Law of 1902 or the General Labor Law; also decisions under the common law handed down by the Court of Appeals, or by the Appellate Divisions of the Supreme Court when final. Other decisions under the common law are not reported here unless special circumstances make them of unusual interest.]

An electrician was engaged in installing a telephone system on the defendant's elevated railway. At times it was necessary for the intestate to work upon the tracks, and to guard against danger at such times the defendant employed a flagman to warn approaching trains. At the time of the accident, however, the intestate, carrying a heavy pulley block, was walking upon a sidewalk along the track which had a clearance of three feet three inches beyond passing trains. As no workmen were upon the track the flagman did not signal an approaching train, which, upon reaching the intestate, struck the pulley he was carrying, thereby causing his death. The motorman saw the plaintiff, but did not slacken speed.

A summons and complaint in a common-law action for negligence was served within the time prescribed for notice. The common-law action was discontinued, however, and one under the Employers' Liability Act begun. A verdict of \$2,000 was obtained but was set aside by the First Appellate Division on the ground that the plaintiff did not show that his intestate was free

from contributory negligence, as the injury was caused by his walking too near the track and that service of a common-law complaint is not sufficient notice under the Employers' Liability Act. On this latter point Justice Houghton writing the prevailing opinion says: "Our conclusion is that the service of the complaint alleging common-law negligence only, was ineffectual as a notice and that in order to entitle an employee, or his representatives in case of death, to recover under the Employers' Liability Act, a notice setting forth the facts required by the statute and showing an intention to make a claim for damages under the provisions of the act, must be served within the prescribed time." — *Chisholm v. Manhattan Railway Co.*, 116 App. Div. 320.

II. An employee injured by the fall of an elevator served notice of the time, place, and cause of the injury in accordance with the provisions of the Employers' Liability Act. There being no common-law cause of action, plaintiff elected to proceed under the act and the jury returned a verdict in his favor which was unanimously upheld by the Second Appellate Division. Defendant again appealed the case arguing that the complaint failed to state facts sufficient to constitute a cause of action under the Employers' Liability Act. The Court of Appeals, however, unanimously affirmed the preceding judgments, April 2, 1907, holding that "it is not necessary, in order to plead a cause of action under the Employers' Liability Act, that its precise language should be made use of; provided that it appear plainly from what is alleged that the cause of action was within the provisions of the act and that its requirement of the giving of a notice to the defendant has been complied with." — *Harris v. Baltimore Machine and El. Works*, 188 N. Y. Rep. 141.

In an action to recover for negligence the plaintiff appeals from an order of the Supreme Court given at the Kings County Special Term, that he amend his complaint by separately stating his common-law action and his action under the Employers' Liability Act. In reversing this order the Second Appellate Division holds that "the plaintiff only claims to have a single cause of action; it is based upon the negligence of the defendants, and he has specified several different propositions as to which the defendants are alleged to have been negligent, some of these con-

stituting actionable negligence at common law and some of them under the statute, and the defendants are equally liable in either event, but are only liable for the single damages sustained by the plaintiff. Why should he be compelled to amend his pleadings and to set up two causes of action where he only has one, at the expense and delay of this motion? No practical reason, no reason commended by the law, appears to us.”— *Arcado v. New York Contracting and Trucking Co.*, 116 App. Div. 793.

III. In a case brought under section 1 of the Employers' Liability Act, which makes an employer liable for negligence of one “whose sole or principal duty is that of superintendence,” the trial court dismissed the complaint. The Second Appellate Division, however, reversed this judgment and was in turn reversed by the Court of Appeals in February, 1907, on the ground, according to the Reporter's summary, that —

where it appears, in an action brought to recover for the death of plaintiff's intestate caused by the breaking of a defective ladder negligently selected for decedent to work upon by an alleged superintendent of the defendant, that the decedent was in the service of the defendant as a helper to a steamfitter, or plumber, also working for the defendant; that the latter was employed by the defendant solely as a steamfitter, or plumber, and had been occupied as such during the entire time that he had been in the defendant's service; that the steamfitter had no power to hire or discharge the helper, who was employed by the defendant and directed to serve as a helper to the steamfitter; that they worked together as laborers, doing the same class of work, one as the mechanic, fitting or repairing steam pipes, the other assisting him in that work, the relation between them was merely that of co-employees; and, notwithstanding the fact that it was the helper's duty to obey the directions of the steamfitter with reference to their work, the steamfitter did not occupy the position of, and had never been intrusted with, the powers of a superintendent within the meaning of the Employers' Liability Act. The defendant is not liable, therefore, for the negligence, or error in judgment, of the steamfitter in selecting, for the helper to work upon, an old and defective ladder, which broke and caused the helper to fall, whereby he received injuries from which he died, when there were numerous other ladders upon the premises from which a safe and suitable ladder could have been selected.— *McConnell v. Morse I. W. & D. D. Co.*, 187 N. Y. Rep. 341.

IV. In an action under the Employers' Liability Act to recover damages for personal injuries, it appeared that the plaintiff was an oiler in charge of certain machinery in a factory; that the belt connecting a countershaft with the main shaft came off the wooden pulley on the main shaft, and that when the plaintiff and another oiler, by direction of the shift foreman, attempted

to fix it, it doubled around the wooden pulley on the main shaft and drew tight, loosened the pulley and stopped it so that the shaft revolved inside the pulley. It was impossible to stop the main shaft without shutting down the whole plant, and the shift foreman had no authority to do this. However, he directed the engineer to slow down, and, with the plaintiff and two other workmen, pulled the belt out so that the lacing could be cut, and then he ordered the plaintiff to go over to the shaft and throw the belt off. In attempting to do this the loose end wrapped around one of the plaintiff's legs and drew him against the shaft. It was part of the duties of the shift foreman to assist in handling the belts and other machinery.

A verdict of \$12,500 was obtained in favor of plaintiff, but was set aside by the Fourth Appellate Division of the Supreme Court in November, 1906, by a vote of three to two, the court holding that—

the accident was caused by the separation of the belt which was accomplished by the efforts of the shift foreman and the other workmen acting as co-employees; that the liability of the master does not depend upon the grade of the servant with whose negligence the plaintiff seeks to charge him, but upon the character of the work in the performance of which the injury arises; that the work of throwing off the belt which the plaintiff was directed to do and the attempt to extricate the belt without stopping the machinery were mere details; that the accident was unusual and extraordinary and one which the master could not reasonably have anticipated.— *Guilmartin v. Solvay Process Co.*, 115 App. Div. 794.

V. An iron-worker while employed on an elevated railway was injured by a current of electricity from an insulated conductor serving to feed the third rail, and was awarded \$700 damages by the City Court of New York. This award was set aside by the Appellate Term of the Supreme Court in April, 1906. In reversing the latter judgment, the First Appellate Division in December held that—

only obvious risks are assumed by an employee. Latent, hidden dangers known to the employer and unknown to the employee, of which no warning has been given, are not assumed. The duty to give warning of such hidden dangers is a duty which the master cannot delegate.

In the prevailing opinion Justice Clark said in part:

"It has always been the law that an employee assumes the obvious risks of his employment, and the Employers' Liability Act has modified the rule only in so far as to require a submission of the question to the jury as one

of fact whether the employee understood and assumed the risk of injury. (*Kiernan v. Eidlitz*, 115 App. Div. 141.)

"But it is the obvious risk that is assumed. Latent, hidden dangers, known to the employer and unknown to the employee, of which no information or warning or instruction has been given are not assumed. The duty of the master is to furnish a safe place in which to perform the work. This master's duty cannot be delegated. There are kinds of work which are inherently unsafe and can only be prosecuted with the utmost care and caution. When danger lurks in apparently harmless instrumentalities the duty of instruction and warning is imperative. A stick of dynamite carries no terrors to the ignorant. A wire may transmit by an innocuous current the messages of commerce or of social life through the inductive agency of the telegraph or telephone instrument, or it may carry an electric current for light or motive power of such force and intensity as, if interfered with, to cause instant death. To inform and instruct under such circumstances becomes part of the duty of the master which cannot be delegated."—*Carey v. Manhattan Railway Co.*, 116 App. Div. 247.

SECTION 81 OF THE LABOR LAW.

While operating a sizing machine in a candy factory, plaintiff had his hand caught in a pair of unguarded rolls. The machine was of standard make and similar in all respects to those used in manufacturing establishments of the same kind, and with the exception of being unguarded, was in good order. Suit was brought under the Employers' Liability Act and section 81 of the Labor Law, which requires that all machinery "shall be properly guarded." A verdict of \$1,500 was obtained, but was set aside by the Third Appellate Division in November, 1906, it being held that—

Where the employee's hand was caught in the machine which he was operating and there is no evidence in any way attributing negligence to his employer, except in respect to the guard of the machine, it is error for the court to refuse to charge the jury to that effect.

It is error to charge over exception that it was the duty of the employer to promulgate rules for the operation of its machinery where there is no evidence to show what rule could have been adopted which would have protected the plaintiff and when no instruction is given on that point.—*Severson v. Hill-Warner-Fitch Co.*, 116 App. Div. 108.

CASES UNDER THE COMMON LAW.

I. A machinist operating a shaping machine "complained on Monday to his employer that the machine was improperly set up" but, on being assured that the defect would be remedied the following Saturday, continued to work. On the Thursday inter-

vening he was injured, and brought suit, obtaining a verdict of \$5,000 damages. On the authority of *Rice v. Eureka Paper Co.* (174 N. Y. 385; BULLETIN 1903, p. 185), the Fourth Appellate Division in November, 1906, affirmed the judgment, holding that a master who directs an employee to operate a defective machine, even when such defect is known to the employee, and the attendant danger is fully understood and appreciated, becomes liable for injuries sustained by the employee because of such defect and solely because the master promised to remedy the defect at a certain time and the accident resulted during that time.—*Swarts v. Wilson Manufacturing Co.*, 115 App. Div. 739.

II. Donato Citrone, a laborer, was awarded \$4,250 damages for injuries received by the falling upon him of some loose stones and earth from the sides of a trench. After a blast had been fired it was his duty to remove the loose stones and earth from the trench which he and others were constructing. On the morning in question he had called attention to the unsafe character of the trench, which needed shoring, and obtained a promise that the fault would be remedied "after dinner." In the intervening time, however, the trench caved in with the result aforesaid.

The Second Appellate Division in June, 1906, affirmed this judgment on the doctrine that a promise by the master to repair a dangerous defect, made to the servant to induce him to continue work, constitutes a contract to relieve a servant from the risks of the employment for the period set by the agreement, and the master, not the servant, assumes the risk. (113 App. Div. 518; BULLETIN 1906, p. 494.)

In unanimously reversing this judgment the Court of Appeals on April 30th did not disturb the rule laid down by the Appellate Division, but held that the evidence shows that the work to be done was the construction of the trench and whatever was the danger to which the men were exposed it was due to the manner in which the work was prosecuted. The degree of safety near the head of the trench was constantly subject to change as the trench was extended. Under such circumstances the rule of law which makes it incumbent upon an employer to provide or maintain a safe place in which his employees are to do their work has no application. The cases on which the plaintiff relied and

in which this doctrine was held applicable was that in which the person injured had nothing to do with the preparation of the trench, but it had been prepared for him and the work constituted no part of the construction of the trench itself.—*Citrone v. O'Rourke Engineering Const. Co.*, 188 N. Y. 339.

III. On the application of the same doctrine the Court of Appeals the same day reversed the judgment of the Fourth Appellate Division, affirming an award in favor of plaintiff, thus:

Where one of a gang of workmen, employed by a railroad company under the direction of a competent foreman, in the excavation of a gravel bank with a steam shovel, which was moved forward on a temporary track as the bank was shoveled away, was injured by the caving in of an overhanging part of the bank, he cannot recover upon the theory that the company failed to furnish a safe place for its servants to work in, since the place where the men were to work changed from day to day, as the steam shovel moved on in its operations, and was necessarily such as the conformation of the embankment and the process of excavation made it; while the caving in of the embankment was an ever present possibility which required the exercise of active vigilance to guard against, the company had the right to delegate that duty to a foreman, and having furnished a concededly competent foreman, it is not liable for his negligence, or error in judgment, if any, in failing to perform that duty.

The fact that the company had not furnished explosives, with the tools and other appliances provided, to break down the overhanging top of the embankment after the earth beneath had been taken away by the steam shovel, does not render the company liable where there is no evidence that explosives were demanded by the situation; that they were deemed necessary by the foreman, or would have been used by him, if furnished, and the evidence shows that no attempt was made before the accident, or at any other time, to pry off the top of the embankment with the tools and appliances furnished for that purpose; so that the negligence, if any there was, was that of the foreman, a fellow-servant of the plaintiff, and not that of the company.—*Russell v. Lehigh Valley R. R. Co.*, 188 N. Y. Rep. 344.

IV. The Court of Appeals in April, 1907, unanimously reversed the judgment of the Fourth Appellate Division affirming an award of damages to the plaintiff in a case summarized in reporter's head-note as follows:

An employee who is injured while riding in a "skip" or iron box used in hoisting ore out of a mine, and not intended for passengers, cannot recover damages where the master has provided a safe method of egress from the mine, unless he shows that he was directed to so ride by his superior, or that it had been the custom of the employees to thus use it to the knowledge of the master; nor can a recovery be had in any event in the absence of proof showing some defect either in the appliances or method of construction, and a master is not bound to anticipate that an employee riding in such a "skip" will permit any part of his person to extend beyond its sides.

A master is not bound to use the best known appliances, but only such as are reasonably fit and proper.—*Burns v. Old Sterling I. & M. Co.*, 188 N. Y. Rep. 175.

V. A longshoreman was killed by the fall of an iron shutter used to close a porthole. A verdict was secured in favor of plaintiff and affirmed by the Second Appellate Division; but the Court of Appeals, in February, reversed these judgments and granted a new trial on the following grounds:

Mere proof that an accident has happened is not evidence of a master's negligence; he is not an insurer and is only liable for the exercise of reasonable care and prudence.

Where the only issue is whether a master has failed to perform his legal duty to provide for his servant a reasonably safe and proper place to work, evidence that the servant was killed by the fall of an iron shutter upon one of the master's vessels, is not sufficient to establish the master's liability for damages, in the absence of proof of some affirmative act or omission constituting negligence on the part of the master, and showing that the servant was free from contributory negligence.—*Rende v. N. Y. & Texas Steamship Co.*, 187 N. Y. Rep. 382.

VI. A saleswoman while employed at her ordinary duties walked through an open elevator door and fell down the shaft. The catch on the door was so defective that the door would not stay shut but would slide back and remain open. Moreover the elevator-boy was accustomed to go about the store on errands and had gone on such an errand when the accident occurred. During his absence another employee had entered the elevator and taken it to an upper floor. At the Erie Trial Term in November, 1905, the complaint was dismissed by the court on the grounds that defendant was free from negligence, but one year later the Fourth Appellate Division unanimously reversed this decision and granted a new trial.—*Wendell v. Leo*, 115 App Div. 850.

VII. Plaintiff's intestate while at work on a scaffold was precipitated to the ground by the collapse of the scaffold and received injuries which twenty-six days later caused his death. Defendant contended that the cause of death was not certain owing to the lack of an autopsy and that it was not proven that the injuries were the proximate cause of death. The Second Appellate Division, however, in January, 1907, unanimously affirmed an award of \$17,500 damages granted plaintiff holding, according to the Reporter's head-note, that —

When it is a question as to whether the death of the plaintiff's intestate resulted from an injury caused by the negligence of the defendant, the jury are not required to determine the definite cause of death with scientific certainty. They are not required to base the verdict on medical testimony, and are at liberty to disregard the opinions of experts called by either side.

When it is shown that the decedent, a man of good health, at work upon a scaffold which gave way, fell fifteen or twenty feet, and that building stones and mortar tubs fell on him; that his leg and ankle were broken; that he was badly bruised, especially his left side and shoulder, and suffered from shock; that he was taken to a hospital, where he died suddenly about twenty-six days thereafter, and the physician in charge testifies that, in his opinion, the death was caused by embolism of the heart, and that the injuries were an adequate cause thereof, a verdict finding that the death was caused by the injury is warranted by the evidence, although other experts testify that the cause of death could not be ascertained with scientific certainty without an autopsy.

When a witness has testified that the deceased died of embolism, subsequent hypothetical questions may be asked based upon that assumption.—*Kelly v. Wills*, 116 App. Div. 758.

LAWS OF 1907 RELATING TO LABOR.

In his annual message to the Legislature, the Governor particularly emphasized the need of a revision of the laws governing the Department of Labor, the addition of more inspectors to its force and further protection for children, thus:

The Labor Department should be put on a better footing. Prior to 1901 the bureaus or departments of labor statistics, factory inspection, and mediation and arbitration were separately organized. In that year they were consolidated into the present Department of Labor, but this was accomplished without a suitable revision of the law and some confusion has resulted. Not only should the law be carefully revised, but provision should promptly be made to increase the efficiency of the department by thoroughly equipping it for its work. It serves no useful purpose to increase the duties of a department without supplying the means by which they may be discharged. And it is of vital importance to the interests of the wage earners throughout the State that the provisions of the Labor Law should be strictly enforced.

There is urgent need for more inspectors. It is utterly impossible for the present force to meet the requirements of the law, and whatever increase is necessary to secure the enforcement of the important provisions of the statutes regulating the conditions of labor should be supplied without delay. To attain proper efficiency the work should be specialized and positions and salaries should be graded.

I recommend to your careful consideration the important subject of child labor. Laws for the protection of children, in securing to them their right to an elementary education and in surrounding them with appropriate safeguards, make a special appeal to humane sentiment, and nothing should be left undone to give them full effect.

Children under sixteen should have an eight-hour day. Such a provision will not only furnish protection from excessive strain, but will also aid the administrative officers in their enforcement of the law.

I also recommend that in order to protect children from dangerous employments there should be a more precise prohibition specifying the occupations in which children under sixteen shall not be employed. General prohibitions as to such matters are apt to be found inoperative. It is fair to all concerned and essential to the protection of children that the law be made as specific as possible.

RE-ORGANIZATION OF THE DEPARTMENT OF LABOR.

Chapter 505, which took effect June 15th, completely re-organized the Department of Labor. Before it took effect the three bureaus constituting the Department were organized under the Labor Law, (Chap. 415, Laws 1897 as amended), while the Department itself was created and its organization determined by

Chapter 9 of the Laws of 1901. The provisions of these two chapters were inconsistent and the necessity of construing them together resulted in much embarrassment and confusion. This act therefore repeals Chapter 9 of the Laws of 1901, incorporates provisions to determine the organization and powers of the Department of Labor in the Labor Law itself (Article II) and amends the provisions of that law relating to the different bureaus of the Department to correspond. Appropriately entitled heads, subordinate to the Commissioner of Labor, are provided for those bureaus, namely: a Chief Statistician, a Factory Inspector and a Chief Mediator for the Bureaus of Labor Statistics, of Factory Inspection and of Mediation and Arbitration respectively; the salary of the Commissioner of Labor is increased from \$3,500 to \$5,000; the deputy factory inspectors are divided into three grades instead of being classed in one only; the composition of the State Board of Mediation and Arbitration is changed; and the provisions of Article X of the Labor Law are amended to lay emphasis upon mediation and conciliation rather than upon arbitration by a State Board as a means of preventing or settling labor disputes. This act amends the law solely as to matters of organization and administration, and in no way alters the substantive provisions contained in Articles I, IV, VI, VII, VIII, IX, XI and XII of the Labor Law.

Chapter 506 is a companion measure to the preceding. It amends the Penal Code relative to violations of provisions of the Labor Law so as to make it conform to that law as amended by Chapter 505 *supra*, and to reduce the maximum penalty for a first violation of certain provisions from \$100 to \$50. The object of this latter change is to bring the amount of the highest possible fine within the jurisdiction of Justices of the Peace and of Police Justices, and thereby to avoid the necessity of prosecuting by indictment by Grand Juries. For not only was that procedure too slow and difficult to be effective, but the Grand Juries so uniformly showed themselves indifferent to our petty prosecutions and so generally dismissed our strongest cases that in the minds of the discouraged Factory Inspectors they had become insuperable obstacles to the enforcement of the law. This amendment is therefore most important.

Chapter 520 is the result of a suggestion by the Superintendent of Public Works, and authorizes him to assign temporarily to this Department (Bureau of Factory Inspection) two high grade engineers, employed by him as steamboat inspectors, whenever their services are not needed in that capacity. That ordinarily happens during the winter months when navigation is closed.

The appropriation bill, as passed by the Legislature, besides increasing the salaries of a few officials in the Department of Labor, provides for the following additions to its force, viz: an assistant factory inspector, a medical inspector of factories, four deputy factory inspectors and eight employees with titles unspecified. This will provide a total force of only one less than called for by the estimates submitted by the Commissioner of Labor, and is the most intelligent and generous treatment the Department has received from the Legislature for many years.

If the plans of the present Commissioner be carried out the following will be the resulting organization of the Department, after October 1st next:

The Department of Labor.

The Commissioner, an assistant or counsel, an auditing clerk and a confidential clerk.

The Bureau of Labor Statistics.

The Chief Statistician, five statisticians, an expert economist, five special agents, two clerks and a librarian.

The Bureau of Factory Inspection.

The Factory Inspector (First Deputy Commissioner), two assistants, a superintendent of licenses, a medical inspector of factories, two special agents, fifty-two deputy factory inspectors, a tunnel inspector and ten clerks. In addition there may be assigned to it temporarily during the winter months two inspectors from the steamboat inspection service (see Chapter 520 *supra*).

The Bureau of Mediation and Arbitration.

The Chief Mediator (Second Deputy Commissioner), a mediator, two assistant mediators, a special agent and a clerk. Of the "mediators" three, to be designated by the Commissioner of Labor, will constitute the State Board of Mediation and Arbitration.

“FACTORY LAWS.”

Chapter 485 adds a simple provision to Section 88 of the Labor Law requiring that in foundries there shall be suitable provisions for washing, and for drying the clothes of the workmen which otherwise would remain unhealthily damp from sweat.

Chapter 490 is an act drawn by the Commissioner of Labor to cure defects in Section 86 of the Labor Law relative to the ventilation of factories. As the statute reads a factory has to have sufficient means of ventilation but does not have to use those means. This act provides that after October 1st factories must be *kept* properly ventilated. And it also provides that where excessive heat, steam, gases, vapor or other impurities make the air unhealthy, special means must be used to exhaust them so far as practicable. This amendment still leaves our law in this particular somewhat behind the times in that it does not fix any standard of purity for the air of factories; but it was felt that so long as our Bureau of Factory Inspection remains comparatively deficient in scientific equipment it would be unwise to fix a standard that it could not use nor apply.

Chapter 418 excepts from that provision of Section 111 of the Labor Law which requires that all cellars or basements used as confectioneries shall be over seven feet in height, such cellars or basements over six feet high as were used as confectioneries before that provision took effect, October 1, 1906. In the process of enforcing that provision this Department found many cases where it would work extreme hardship and require either an abandonment of the shop or a most expensive alteration of the building. In these shops only a few persons were employed and those irregularly; and the sanitary conditions were not bad. Therefore and as it was thought that such shops can be sufficiently regulated by insisting on perfect ventilation the Department recommended the enactment of this law.

Chapter 399 amends Article IX of the Labor Law relating to mines and quarries by inserting therein provisions regulating work in the construction of tunnels, and imposes the duty of inspecting tunnels under construction and of enforcing such regulations therein upon the Commissioner of Labor. It was meant to apply particularly to the tunnels now under construction in

New York City. The act took effect immediately upon approval, but as no provision was made for a tunnel inspector and as there is no one in the Department competent to perform such duties, it will be necessary to wait until the Appropriation Bill takes effect October 1st, when one of the new employees therein appropriated for will be a tunnel inspector if a competent person can be procured for the salary provided.

Two departmental bills to amend the "factory laws" were lost. One (Prentice Assembly bill Int. No. 81) defined hotel, steamship and railroad laundries run by steam or artificial power as factories and made them subject to the "factory laws" The other (Prentice Assembly bill Int. No. 83) struck out of Section 6 of the Labor Law relative to hours of labor in brickyards the provision against work before 7 A. M. except for extra compensation and by agreement. Neither bill was important. The reasons for them may be found stated in the report of the Commissioner of Labor for 1906.

WOMEN AND CHILDREN.

Chapter 291 makes more clear the provisions of the Labor Law relative to the issuance of employment certificates for children between 14 and 16 years of age in factories and mercantile establishments, and adds a new provision for the issuance of such certificates to children who are unable to produce the legal evidence of age required by the former provisions. Briefly stated, this new provision makes proper physical development sufficient proof of age for the issuance of a certificate.

Some minor amendments to the Compulsory Education Law respecting the school record required for children's employment certificates were made by Chapter 103 and subsequently incorporated in a bill now before the Governor (S. 1801, introduced by Mr. Agnew, Int. 1091, reprinted on pages 241-4 *post*).

Senate bill 1837 (introduced by Mr. Hooper, A. 1539) practically redraws the "Newsboy Law" (Labor Law Art. XII) throughout, without substantial change, except that the duty of enforcing it is specifically imposed upon the police *and* the school attendance officers.

Chapter 286 amends Section 77 of the Labor Law to reduce the number of hours per day that children may be employed in fac-

tories from nine to eight, and the hours between which they may be so employed from between 6 A. M. and 7 P. M. to between 8 A. M. and 5 P. M. The former change was recommended by the Governor in his message and had been for some time advocated by the Commissioner of Labor. But the latter change was opposed by the Commissioner on the ground that it was an unnecessary and arbitrary regulation that would frequently cause hardship and yet be of little value as an aid to enforcing the eight-hour rule.

Chapter 507 amends Sections 77 and 78 of the Labor Law to take effect October 1st. It extends the provisions relative to children under 16 amended by the Page bill (Chapter 286 *supra*), to apply also to children employed "in connection with factories." It changes the law relative to male minors between 16 and 18 years of age by repealing the former prohibition against their employment before 6 A. M. and after 9 P. M. and substitutes a prohibition of employment between midnight and 4 A. M. The former prohibition prevented such youths from learning certain trades such as brickmaking and baking which require work before 6 A. M. and after 9 P. M. respectively, and from being employed in certain high class factories usually operated only by day but which occasionally run over into the evenings after nine o'clock; and the Department has found that in practice its net results were not good. But the principal effect of this act is entirely to reframe the law relative to the hours of labor of females over 16. It divides them into two classes, minors under 21 and adults, in order to limit to the adults the effect of recent decisions of the courts, holding the night work prohibition of Section 77 unconstitutional because it applies to adults, (affirmed by the Court of Appeals, June 14, 1907; see pages 177-181). The limitations upon the number of hours of labor are left much as they were, only the ten-hour day rule is made less rigid and subject to more exceptions, while on the other hand employment is restricted absolutely and in all events to not more than 12 hours a day for 6 days a week. A new provision is inserted to prevent the practice of "swapping" employees, by which the limitation of hours was legally evaded. And finally the remedial provisions of the two sections, which were vitally defective, have been entirely redrawn and made both more easily observable and enforceable.

In its original form this bill created an exception, adapted from the English law, in favor of factories manufacturing seasonal and perishable articles or the products of such articles, and allowed them to employ females over 18 years of age for 66 hours a week, but in not to exceed 6 weeks a year. Similar exceptions are contained in the laws of almost all the nations of Europe and are permitted by the recent international labor treaty signed at Berne. They are based upon necessity and equity and are consonant with health, for the reason that in such industries limited overtime during rush seasons would be more than counterbalanced by reduced hours in the slack seasons. But the provision aroused such a violent public protest that it was temporarily abandoned. That was the cause of sincere regret to the Commissioner of Labor who will continue to urge its adoption.

A companion bill to the preceding was Hooper Assembly bill (Int. No. 1367) to amend Article XI of the Labor Law relative to the hours of labor of women and children in mercantile establishments, which passed the Assembly but was defeated on third reading in the Senate. It sought to approximate the regulations upon the hours of labor of women in stores, employing three or more persons, to the corresponding regulations for factories, and to transfer the duty of enforcing all the provisions of the Labor Law relative to mercantile establishments in cities of the first class from the local boards of health to the Department of Labor. This Department was embarrassed in its advocacy of the bill because if enacted it would have increased its jurisdiction and have necessitated a large addition to its appropriation. But it strongly endorsed the proposed amendments to the substance of the law, for the reason that the difference between the statutory regulations of hours of labor in mercantile establishments and factories respectively is unjust to the latter and makes more difficult the enforcement of the provisions applicable to them. From a comparison of Sections 77 and 161 it will be seen that children under 16 may be employed 9 hours a day in stores but only 8 hours in factories; females over 16 and under 21 may be employed in stores without any limitations during the Christmas rush seasons, but in factories they may never be employed more

than 60 hours a week; and adult women may always be employed in stores without any restrictions as to time, while in factories their hours are strictly limited. So far as small stores, in which the employees quietly "keep shop" in the old fashioned way, are concerned, there is reason for this discrimination in their favor. But there is none for such a discrimination in favor of the modern department stores. In them, particularly during the hurry and with the crowds of the rush seasons, conditions are infinitely harder and less sanitary for women than in the better factories. Why for instance should women packers be allowed to work 78 and 84 hours a week in ill ventilated and crowded spaces in department stores if it be a necessary health regulation to prohibit their working more than 60 hours a week in well ventilated and properly appointed workrooms in factories? The only adequate explanation is that the proprietors of the stores are better organized and have stronger political influence than the manufacturers. In any reasonable space it is not possible to explain the ways in which this difference between the two laws militates against the enforcement of the factory law but only to cite one illustration. In this connection it must be understood that laws regulating the labor of women are partly to protect them against themselves; for excessive work is not altogether the result of duress or compulsion but is as often induced by the extra pay and higher wages obtainable for "overtime" in rush seasons. When therefore the factory inspectors succeed in limiting the hours in factories as required by law the result is that some of their female employees transfer altogether to stores in order to get "overtime," while others after working short hours in the factories during the day work in stores in the evenings. In such cases there is no benefit from the enforcement of the factory law, and the only tangible result is to impose an unfair handicap upon manufacturers, who in consequence and not unnaturally resort to concealment and evasion. And a perfectly legal evasion of the law is easy in some operations. For instance a New York City factory operator who manufactures and packs his goods largely for sale in that city can, if the factory inspectors limit the hours of work of his packers during his rush season and if he have stores of his own or can procure space in or in connection with any store or stores where his or similar ar-

ticles are sold, transfer his goods in bulk and his packers to such store or stores, and there, under conditions probably much inferior to those in the packing department of his factory, carry on his packing without any restrictions whatever upon the labor of his female employees.

There were strong constitutional objections urged against certain provisions of this bill; but they apply with equal force to the existing factory law and should not logically have stood in the way of assimilating the two laws.

It is to be hoped that this bill or a bill containing the substance of its provisions will be taken up again at the next session of the Legislature and enacted into law.

HOURS OF LABOR.

The eight-hour law for children working in factories was mentioned above, as well as the new law regulating the hours of working women. Several bills were introduced to restrict the hours of employment of male workmen in the public service, including firemen and policemen in cities; it was also proposed to extend the eight-hour law (§ 3 of the Labor Law) to engineers and firemen employed in the State hospitals.

A bill to amend section 6 of the Labor Law restricting the hours of workmen in brickyards operated by *corporations*, so as clearly to legalize the existing practice of working before 7 o'clock in the morning was not advanced. Most of the bills restricting the freedom of adult males to make such contracts as they wish, or are compelled to make, respecting the hours of work, related to the railway service, where the public safety is involved. A bill to reduce from ten to nine, the daily working hours of street railway employees in cities of 100,000 or more failed of passage, but the bill to extend the law to all cities of the second class was enacted as chapter 243. This act, which took effect July 1st, brings within the application of the ten-hour law the cities of Albany, Troy, Utica, Schenectady, and Yonkers.

The influence of the new Federal law, restricting the hours of labor on railways, was shown in the introduction of numerous bills on the same subject, two of which were passed. Chapter

523, in effect March 4, 1908, makes it a crime for a railway company to require or permit an employee in the train service to remain on duty more than sixteen hours at a stretch, or on the completion of a sixteen-hour trip to go on duty again without a ten-hour rest. Another bill passed and now awaiting the action of the Governor (introduced by Mr. Northrup, Int. No. 891, Printed No. 2262), limits to eight hours a day the working time of block system telegraph and telephone operators and signalmen. This bill, if approved, will go into force October 1st.

Several bills were introduced to secure Sunday rest for workmen, including street cleaners in New York City (Senate Bill No. 550, Int. No. 476) and bootblacks (after 3 o'clock Sunday afternoon). Only one of the bills became law — chapter 297, which gives the barbers of Saratoga Springs a holiday on Sunday during nine months of the year, while still permitting the shops there to remain open until 1 p. m. Sundays. Elsewhere in the state, with the exception of New York City, barber shops must be closed on Sundays.

Among the bills providing for vacations of municipal employees, one was passed by the Legislature over the disapproval of the Mayor of New York City (introduced by Mr. Hoey, A. 1447, Printed No. S. 1606); it provides that every employee of the city shall be entitled to an annual vacation of ten days without loss of pay.

HEALTH AND SAFETY.

The acts to preserve the health of workmen by requiring pure air in factories and the provision of facilities for drying clothes in foundries have been mentioned. The bill prohibiting the employment in dairies or creameries of persons having infectious or contagious disease (introduced by Mr. Boshart, A. 2761, Int. No. 1891), aims primarily to protect the health of consumers. It passed both houses and awaits the approval of the Governor. There was also a bill making it unlawful for cigar makers to touch the tobacco with tongue or lips during any part of the process.

Two bills were passed for the protection of the health of street car motormen by requiring the enclosure of the car platform in

winter. One of the bills (introduced by Mr. Geoghegan, A. 1377, Int. No. 682) amends the law for Kings and Queens counties by requiring the platform to be enclosed on both sides as well as the front, and the other bill requires complete vestibules in Westchester county (Assembly Bill No. 2355, introduced by Mr. Haines, Int. No. 1178). Bills for the protection of the motormen in New York county, which is at present the only county excepted from the law, failed of enactment.

Security from accidents, no less than preservation of health, calls for legislative interference, and both are embraced in the act, already mentioned, bringing tunnel construction under State supervision (chapter 399), as the tunnel workers are not only subject to unusual hazards from explosives, collapse of structures, earth, etc., but also to the caisson disease or the "bends." The new law provides that there shall be guages to indicate the weight or pressure of the air in all tunnels where men are working under artificial air pressure. The same act carries some needed amendments to the requirements as to hoisting apparatus, cars, etc., in mines as well as tunnels.

The well-known frequency of elevator accidents led to the introduction of several bills in relation to the equipment of elevators — gates, slides, automatic clutches, etc.— but none were passed. The Assembly passed a bill to provide for the keeping of surgical supplies and appliances in factories, and similar bills were introduced with respect to railroads, but were not passed, as the new Public Service Commissions are endowed with ample power to require the installation of safety appliances (chapter 429). A law was, indeed, enacted for the stricter inspection of locomotive boilers (chapter 208), but the Governor vetoed the bill requiring the employment of an additional brakeman, making a train crew to consist of six instead of five persons. The reasons for the veto were set forth in the following memorandum:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 15, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill No. 455 (Senate reprint No. 1338), entitled "An act to better protect the lives of railroad employees."

This bill provides that it shall be unlawful for any railroad company in the State of New York "that runs more than four freight trains in twenty-four hours," to run over any part of its road outside of yard limits any freight trains composed of more than twenty cars with less than a full crew of six persons, to wit: one engineer, one fireman, one conductor and three brakemen; or a light engine without cars without a crew composed of one engineer, one fireman, one conductor or flagman, when running a distance of ten miles or more from starting point.

According to present practice, freight trains are very generally operated with a crew of five persons, and the object of this bill is to compel the employment of an additional brakeman. The necessity for this is said to lie in the fact that without three brakemen the freight trains are insufficiently manned, and that firemen are compelled to leave their places in all kinds of weather to throw switches when the two brakemen are required respectively to go ahead of and behind the train.

This bill, however, upon the facts developed before me upon the hearing and undisputed, is clearly unconstitutional. Such a measure should define the service required with suitable reference to circumstances and conditions so that the law would apply in proper cases and not otherwise. The bill takes no account of the differences between the different roads and parts of roads, in trackage and switching facilities, and of the fact that what may be necessary in the case of some railroads may be wholly unnecessary in others. In the case of the New York Central Railroad it was shown that the trackage and switching facilities on its main lines were of such a character as to make unnecessary the employment of a third brakeman in accordance with the provisions of the bill. This was frankly conceded by supporters of the bill.

To require the expenditure of a very large amount of money (estimated at several hundred thousand dollars annually) without necessity for the outlay, is simply arbitrary exaction and a taking of property without due process of law. The bill does not refer its requirements to any proper standard of necessity or provide any criterion by which its proper application under varying conditions is to be determined. It contains an absolute requirement which, upon the facts conceded before me, cannot be justified.

(Signed.)

CHARLES E. HUGHES.

PAYMENT, ASSIGNMENT, ATTACHMENT, ETC., OF WAGES.

The bill requiring railway companies to pay wages twice instead of once a month was again introduced and this year passed the Assembly, but remained in the Senate committee on railroads. A somewhat similar bill applicable to employees of the city of New York failed. The bill forbidding corporations to pay wages by check, unless making provision for prompt redemption without discount, did not pass.

The section of the Municipal Code which assists wage earners to collect wages due, but unpaid, was amended so as to permit

actions to be brought within three months instead of one month (chapter 425).

Of the four bills amending the garnishee law (§ 1391 of the Code of Civil Procedure, in relation to exemptions and executions) none were enacted into law.

The so-called "loan shark" evil was the subject of a bill making it a crime for a lender to accept, directly or indirectly, more than 6 per cent. interest. It is well known that the usury law is now evaded through the payment of various commissions, bonuses, etc., whereby wage earners who borrow money in time of distress pay 10, 20 or even 40 per cent. a month.

PUBLIC EMPLOYMENT.

As the state is itself, or through its subdivisions, a very large employer of labor, and establishes many of the conditions of employment through statutory enactment, there are always many bills introduced under this heading. Mention has already been made of some of the bills relating to hours of labor; of the bills relating to the compensation of employees, two passed the Legislature and are reprinted in the BULLETIN. Senate bill 1614 (introduced by Mr. Apgar in the Assembly, Int. No. 894) increases the salaries of guards in State prisons, the maximum, obtained after four years' service, being \$1,000 instead of \$900. Senate bill No. 1623 (introduced by Mr. Wilcox, Int. No. 338) establishes four grades for guards in the State prison for women, with salaries ranging from \$600 to \$900, instead of a uniform salary of \$600. The bill increasing the minimum salary of firemen in New York City from \$800 to \$1,000 was disapproved by the Mayor, and the school teachers' bill, after being passed by the Legislature over the Mayor's disapproval, was vetoed by the Governor. The bill to increase the salaries of street cleaners passed the Assembly only, and the bill to provide for the registration of laborers employed by cities, under the Civil Service Law, failed in both houses.

PROVIDENT FUNDS.

The growth of pension and insurance funds for industrial employments is a marked feature of recent years, which is re-

flected in legislation. In the acts of the present year are numerous provisions relating to pension funds for firemen, policemen, teachers, and others in the public service, while the act providing for retiring on a pension Civil War veterans in the civil service was again vetoed by the Governor. Chapter 463 extends the provisions of the law regarding the disposal of unclaimed property left in street cars to carriages, omnibuses, etc. Such property may be sold and the proceeds must then be turned over to the beneficiary organizations of the employees, or, if none, to the public treasury.

A bill awaiting the action of the Governor (Senate bill No. 1322, introduced by Mr. Hill, Int. No. 983), adds a new article to the Insurance Law and provides for the incorporation of such beneficiary societies or associations of employees in the service of the same employer. The bill is reprinted elsewhere.

No action was taken on the bill amending the Employers' Liability Law of 1902, while the bill making contributory negligence an affirmative defense, to be pleaded and proved by the defendant, passed the Assembly only.

LICENSING OF TRADES AND OCCUPATIONS.

Chapter 83 repeals Article XIII of the Labor Law relative to the examination and registration of horseshoers. The penal statute making a violation of its provisions a misdemeanor was held unconstitutional by the courts several years ago, and that article was thereafter ineffective and useless.

Two bills in relation to the inspection of steam boilers and the examination and licensing of stationary engineers were introduced, one of which provided for a State system centered in a bureau to be established in the Department of Labor. The other bill, revising and codifying the provisions of the New York City charter, passed both houses of the Legislature and was disapproved by the Mayor. Bills were also introduced to require the licensing of journeymen, as well as master plumbers in cities, and to provide for the licensing of master plumbers in villages; and to require the examination and licensing of automobile drivers.

For the protection of immigrants two statutes were enacted which are reprinted in the BULLETIN. Chapter 185 regulates the taking of deposits on the part of alleged steamship agents for transmission to foreign countries. Many immigrants in New York City had been defrauded by so-called bankers and steamship agents who received small savings to apply to the purchase of a steamship ticket for the depositor's relatives in Europe, or to forward directly to them, and subsequently decamped with the money. Owing to the difficulty of proving that the money had not been sent abroad, it was virtually impossible to convict one of these "bankers" even if caught. The new law requires such bankers to furnish a \$15,000 bond and thus restricts the business to responsible persons. Chapter 546, a companion act, makes it a crime for any person to make misrepresentations in the sale of transportation tickets or to advertise himself as a steamship agent without written authority from the company.

MISCELLANEOUS.

Chapter 140 incorporating the Russell Sage Foundation is of general interest on account of the large sum (\$10,000,000) placed at the disposal of the Foundation by Mrs. Sage, for "the improvement of social and living conditions." The trustees have limited the scope of the Foundation by excluding the relief of individuals or families and also the sphere of higher education; otherwise they may use its income for purposes of "research, publication, education, the establishment and maintenance of charitable or benevolent activities, agencies and institutions, and the aid of such already established."

Chapter 421 relates to the industrial commission established in the city of Niagara Falls for the purpose of advancing the industrial and commercial interests of the city and making its advantages known to outside manufacturers.

Several bills relating to the housing of workingmen, including amendments of the Tenement-House Law were introduced. The BULLETIN reproduces a bill now before the Governor relating to bakeries in tenement houses (Senate bill No. 667, introduced by Mr. Page, Int. No. 795).

There was an unusual dearth of bills relating to industrial disputes, injunctions, etc., evidencing the generally satisfactory relations now existing between employers and employees. Some amendments were offered to the law governing the appointment of railway employees as special policemen, but the only bill that passed (Senate bill No. 1172, introduced by Mr. McManus, Int. No. 821) was one requiring that all special officers appointed by sheriffs, Mayors, etc., shall not only be residents, but also voters, of the county where appointed. The object of the bill is said to be to prohibit the importing of armed strike breakers.

TEXT OF THE NEW LABOR LAWS.

[Arranged in chronological order of enactment, as indicated by the chapter number. In order to reveal the changes made in existing law, new matter introduced is printed in *italic type* and old matter omitted is enclosed in brackets.]

CHAPTER 83.

AN ACT to repeal article thirteen of the labor law relative to horseshoers.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article thirteen, consisting of sections one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three and one hundred and eighty-four of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter five hundred and fifty-eight of the laws of eighteen hundred and ninety-seven, is hereby repealed.

§ 2. This act shall take effect immediately.

Approved March 27, 1907.

CHAPTER 103.

AN ACT to amend the consolidated school law, relative to school record certificates required under the compulsory education law.

[Amends sections 3 and 5 of title 16 of chapter 556 of the Laws of 1894, by supplying technical omissions concerning the possession of school record certificates on the part of boys employed in cities of the first and second classes. April 3, 1907, Subsequently incorporated in Chapter 585 (pages 241-4 post)].

CHAPTER 140.

AN ACT to incorporate Russell Sage foundation.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Margaret Olivia Sage, Robert W. de Forest, Cleveland H. Dodge, Daniel C. Gilman, John M. Glenn, Helen Gould, Gertrude M. Rice and Louisa L. Schuyler, together with such persons as they may associate with themselves, and their successors, are hereby constituted a body corporate by the name

of Russell Sage foundation, for the purpose of receiving and maintaining a fund or funds and applying the income thereof to the improvement of social and living conditions in the United States of America. It shall be within the purposes of said corporation to use any means to that end which from time to time shall seem expedient to its members or trustees, including research, publication, education, the establishment and maintenance of charitable or benevolent activities, agencies and institutions, and the aid of any such activities, agencies or institutions already established.

§ 2. The corporation hereby formed shall have power to take and hold, by bequest, devise, gift, purchase or lease, either absolutely or in trust, for any of its purposes, any property, real or personal, without limitation as to amount or value, except such limitation, if any, as the legislature shall hereafter impose, to convey such property and to invest and reinvest any principal and deal with and expend the income of the corporation in such manner as in the judgment of its trustees will best promote its objects. It shall have all the power and be subject to all the restrictions which now pertain by law to membership corporations so far as the same are applicable thereto and are not inconsistent with the provisions of this act. The persons named in the first section of this act or a majority of them shall hold a meeting and organize the corporation and adopt a constitution and by-laws not inconsistent with the constitution and laws of this state. The constitution shall prescribe the qualifications of members, the number of members who shall constitute a quorum for the transaction of business at meetings of the corporation, the number of trustees by whom the business and affairs of the corporation shall be managed; the qualifications, powers, and the manner of selection of the trustees and officers of the corporation, and any other provisions for the management and disposition of the property and regulation of the affairs of the corporation which may be deemed expedient.

§ 3. This act shall take effect immediately.

Approved April 11, 1907.

CHAPTER 185.

AN ACT to regulate the taking of deposits by certain persons, firms and corporations.

[Designed for the protection of immigrants by licensing and placing under bond, (in the sum of \$15,000, to the State Comptroller) "all corporations, firms and persons now or hereafter engaged in the selling of steamship or railroad tickets for transportation to or from foreign countries, who in conjunction with said business carry on the business of receiving deposits of money for the purpose of transmitting the same, or the equivalent thereof, to foreign countries." Section 4 makes it a misdemeanor to carry on such business without executing the bond, and chapter 546 (see below) also makes it unlawful for any person to advertise himself as the agent of a steamship company unless he has received authority in writing.]

CHAPTER 208.

AN ACT to amend the railroad law, in relation to the inspection and care of steam locomotives.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-nine-a of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," as added

by chapter six hundred and eleven of the laws of nineteen hundred and five, is hereby amended so as to read as follows:

§ 49-a. *Inspection of locomotive boilers.*—It shall be the duty of every railroad corporation operated by steam power, within this state, and of the directors, managers or superintendents of such railroad to cause thorough inspections to be made of the boilers and their appurtenances of all the steam locomotives which shall be used by such corporation or corporations, on said railroads. Said inspections shall be made, at least every three months [by competent and qualified inspectors of boilers] under the direction and superintendence of said corporations, or the directors, managers or superintendents thereof, by persons of suitable qualifications and attainments to perform the services required of inspectors of boilers, and who from their knowledge of the construction and use of boilers and the appurtenances therewith connected, are able to form a reliable opinion of the strength, form, workmanship and suitableness of boilers, to be employed without hazard of life, from imperfections in material, workmanship or arrangement of any part of such boiler and appurtenances. All such boilers so used shall comply with the following requirements: The boilers must be made of good and suitable materials; the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat shall be of proper dimensions; the safety valves, fusible plugs, low water glass indicator, gauge cocks and steam gauges, shall be of such construction, condition and arrangement that the same may be safely employed in the active service of the railroad corporation without peril to life; and each inspector shall satisfy himself by thorough examination that said requirements have been fully complied with. No boiler, nor any connection therewith shall be approved which is unsafe in its form, or dangerous from defects, workmanship or other cause. The person or persons who shall make the said inspections if he or they approve of the boiler or boilers and the appurtenances throughout, shall make and subscribe his or their name to a written or printed certificate which shall contain the number of each boiler inspected, the date of its inspection, the condition of the boiler inspected, and such details as may be required by the forms and regulations which shall be prescribed by the railroad commissioners. Every certificate shall be verified by the oath of the inspector, and he shall cause said certificate or certificates to be filed in the office of the railroad commissioners, within ten days after each inspection shall be made, and also a copy thereof with the chief operating officer or employee of such railroad having [immediate] charge of the operation of such locomotive boiler; a copy shall also be placed by such officer or employee in a conspicuous place in the cab connected with the locomotive boiler inspected, and there kept framed under glass. The railroad commissioners shall have power, from time to time, to formulate rules and regulations for the inspection and testing of boilers as aforesaid, and may require the removal of incompetent inspectors of boilers under the provisions of this act. Copies of such rules and regulations shall be mailed to every corporation operating a railroad by steam in this state. If it shall be ascertained by such inspection and test or otherwise, that any locomotive boiler is unsafe for use, the same shall not again be used until it shall be repaired, and made safe, so as to comply with the requirements of this section. [A certificate of a boiler inspector to the effect that the same is in a safe condition for use shall be made and filed in the office of the rail-

road commissioners.] Every corporation, director, manager or superintendent operating such railroad and violating any of the provisions of this section shall be liable to a penalty, to be paid to the people of the state of New York, of one hundred dollars for each offense, and the further penalty of one hundred dollars for each day it or they shall omit or neglect to comply with said provisions, and the making or filing of a false certificate shall be a misdemeanor, and every inspector who wilfully certifies falsely touching any steam boiler, or any appurtenance thereto belonging, or any matter or thing contained or required to be contained in any certificate, signed and sworn to by him, shall be guilty of a misdemeanor. Any person, upon application to the secretary of said board of railroad commissioners, and on the payment of such reasonable fee as said board may by rule fix, shall be furnished with a copy of any such certificate.

§ 2. Such chapter is hereby amended by inserting therein a new section to be section forty-nine-c and to read as follows:

§ 49-c. *Care of steam locomotives; steam and water cocks; penalty.*—It shall be the duty of every corporation operating a steam railroad, within this state, and of its directors, managers or superintendents, to cause the boiler of every locomotive used on such railroad to be washed out as often as once every thirty days, and to equip each boiler with, and maintain thereon at all times, a water glass, showing the height of water in the boiler, having two valves or shut-off cocks, one at each end of such glass, which valves or shut-off cocks shall be so constructed that they can be easily opened and closed by hand; also to cause such valves or shut-off cocks and all gauge cocks or try-cocks attached to the boiler to be removed and cleaned whenever the boiler is washed out pursuant to the foregoing requirements of this section; also to keep all steam valves, cocks and joints, studs, bolts and seams in such repair that they will not at any time emit steam in front of the engineer, so as to obscure his vision. No locomotive shall hereafter be driven in this state unless the same is equipped and cared for in conformity with the provisions of this section; but nothing here contained shall be construed to excuse the observance of any other requirement imposed by this chapter upon railroad corporations, their directors, officers, managers and superintendents. Every corporation, person or persons operating a steam railroad and violating any of the provisions of this section, shall be liable to a penalty of one hundred dollars for each offense, and the further penalty of ten dollars for each day that such violation shall continue. The board of railroad commissioners shall enforce the provisions of this act.

§ 3. This act shall take effect September first, nineteen hundred and seven.

Approved April 25, 1907.

CHAPTER 243.

AN ACT to amend the labor law, relative to hours of labor on street surface and elevated railroads in cities of the first and second class.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended to read as follows:

§ 5. Hours of labor on street surface and elevated railroads.—Ten consecutive hours' labor, including one-half hour for dinner, shall constitute a day's labor in the operation of all street surface and elevated railroads, of whatever motive power, owned or operated by corporations in this state, whose main line of travel, or whose routes lie principally within the corporate limits of cities of [more than one hundred thousand inhabitants] *the first and second class*. No employee of any such corporation shall be permitted or allowed to work more than ten consecutive hours, including one-half hour for dinner, in any one day of twenty-four hours. In cases of accident or unavoidable delay, extra labor may be performed for extra compensation.

§ 2. This act shall take effect July first, nineteen hundred and seven.

Approved April 30, 1907.

CHAPTER 286.*

AN ACT to amend the labor law relative to the hours of employment of minors in factories.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-seven of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine, by chapter one hundred and eighty-four of the laws of nineteen hundred and three, and by chapter four hundred and ninety of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 77. Hours of labor of minors and women.—No minor under the age of sixteen years shall be employed, permitted or suffered to work in any factory in this state before [six] *eight* o'clock in the morning, or after [seven] *five* o'clock in the evening of any day, or for more than [nine] *eight* hours in any one day. No minor under the age of eighteen years, and no female shall be employed, permitted or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day; or for more than ten hours in any one day except to make a shorter work day on the last day of the week; or for more than sixty hours in any one week, or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked. A printed notice, in a form which shall be prescribed and furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered to work in such factory except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons at work in the factory at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of this section of the law.

* The changes effected by this act have been incorporated in Chapter 507 (see p. 235), which takes effect October 1, 1907.

§ 2. This act shall take effect January first, nineteen hundred and eight.
Approved May 4, 1907.

CHAPTER 291.

AN ACT to amend the labor law, relative to the issuance of employment certificates for children in factories and mercantile establishments.

Section 1. Section seventy-one of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and eighty-four of the laws of nineteen hundred and three and chapter five hundred and eighteen of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 71. **Employment certificate, how issued.**— Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed [:], [(1)] *vis.*: The school record of such child properly filled out and signed as provided in this article [.]; [(2)] A passport or duly attested transcript of the certificate of birth or baptism or other religious record showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, shall be conclusive evidence of the age of such child. (3) The affidavit of the parent or guardian or custodian of a child, which shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested and who has presented the school record and affidavit above provided for, is in fact over fourteen years of age and that satisfactory documentary evidence of such age can be produced which does not fall within any of the provisions of subdivision two of this section, and that none of the papers mentioned in said subdivision exists or can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, in its discretion, in a proper case, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board and shall be received in place of the papers specified and required by subdivision two of this section. On due proof, in like manner, that a child who is a graduate of a public school of the state of New York or elsewhere having a course of not less than eight years, or of a school in the state of New York

other than a public school, having a substantially equivalent course of study of not less than eight years' duration, and in which a record of the attendance of such child has been kept as required by the compulsory education law, and who produces and files a certificate of graduation duly issued to him therefrom, and who is recorded in the school records as fourteen years of age, is unable to further produce the evidence of age required by subdivision two of this article, the board may, by resolution, permit the issuance to such child of an employment certificate and dispense with such evidence of age as is in said subdivision provided.] also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(a) *Birth certificate:* A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, which certificate shall be conclusive evidence of the age of such child.

(b) *Certificate of graduation:* A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the state of New York or elsewhere, having a course of not less than eight years, or of a school in the state of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by the compulsory education law, provided that the record of such school shows such child to be at least fourteen years of age.

(c) *Passport or baptismal certificate:* A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) *Other documentary evidence.*—In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested, and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section.

(e) *Physicians' certificates.*—In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of

such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than ninety days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child farther has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

§ 2. Section seventy-three of said chapter, as amended by chapter one hundred and eighty-four of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 73. *School record, what to contain.*—The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the [school year previous to his arriving at the age of fourteen years] *twelve months next preceding his fourteenth birthday*, or during the [year previous to applying] *twelve months next preceding his application* for such school record and is able to read and write simple sentences in the English language, and has received during such

period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the [age] *date of birth* and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

§ 3. Section one hundred and sixty-three of said chapter, as amended by chapter two hundred and fifty-five of the laws of nineteen hundred and three and chapter five hundred and eighteen of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 163. **Employment certificate; how issued.**—Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides or is to be employed, or by such officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent, guardian, or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed [;], [(1)] *viz.*: The school record of such child properly filled out and signed as provided in this article [;]; [(2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births shall be conclusive evidence of the age of such child. (3) The affidavit of the parent, guardian or custodian of a child, which shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oaths, and who shall not demand or receive a fee therefor. In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested and who has presented the school record and affidavit above provided for, is in fact over fourteen years of age and that satisfactory documentary evidence of such age can be produced which does not fall within any of the provisions of subdivision two of this section, and that none of the papers mentioned in said subdivision exists or can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child; and the board of health, at a regular meeting thereof, may then, in its discretion, in a proper case, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received in place of the papers specified and required by subdivision two of this section. On due proof, in like manner, that a child who is a graduate of a public school of the state of New York or elsewhere having a course of not less than eight years, or of a school in the state of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, and in which a record of the attendance of such child has been kept as required by the compulsory education law, and who pro-

duces and files a certificate of graduation duly issued to him therefrom, and who is recorded in the school records as fourteen years of age, is unable to further produce the evidence of age required by subdivision two of this article, the board may, by resolution, permit the issuance to such child of an employment certificate and dispense with such evidence of age as is provided in said subdivision.] also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(a) *Birth certificate.*—A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, which certificate shall be conclusive evidence of the age of such child.

(b) *Certificate of graduation.*—A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the state of New York or elsewhere, having a course of not less than eight years, or of a school in the state of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by the compulsory education law, provided that the record of such school shows such child to be at least fourteen years of age.

(c) *Passport or baptismal certificate.*—A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) *Other documentary evidence.*—In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section.

(e) *Physicians' certificates.*—In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than ninety days after date of such application for such physicians' certificates, for an

examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child. Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child shall further have personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

§ 4. Section one hundred and sixty-five of said chapter, as amended by chapter two hundred and fifty-five of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 165. School record, what to contain.—The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished on demand to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the [school year previous to his arriving at the age of fourteen years] *twelve months next preceding his fourteenth birthday*, or during the [year previous to applying] *twelve months next preceding his application* for such school record and is able to read and write simple sentences in the English language, has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the [age] *date of birth* and residence of the child as shown on the records of the school and the name of its parents or guardian or custodian.

§ 5. This act shall take effect October first, nineteen hundred and seven.
Approved May 6, 1907.

CHAPTER 397.

AN ACT to amend chapter eight hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled "An act to regulate barbering on Sunday," in relation to the application of such act to Saratoga Springs.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter eight hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled "An act to regulate barbering on Sunday," is hereby amended to read as follows:

Section 1. Any person who carries on or engages in the business of shaving, hair cutting or other work of a barber on the first day of the week, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five dollars; and upon a second conviction for a like offense shall be fined not less than ten dollars and not more than twenty-five dollars, or be imprisoned in the county jail for a period of not less than ten days, nor more than twenty-five days, or be punishable by both such fine and such imprisonment at the discretion of the court or magistrate; provided, that in [the city of New York and] the village of Saratoga Springs, *from the fifteenth day of June to the fifteenth day of September, inclusive, and in the city of New York throughout the year*, barber shops or other places where a barber is engaged in shaving, hair cutting or other work of a barber, may be kept open, and the work of a barber may be performed therein until one o'clock of the afternoon of the first day of the week.

§ 2. This act shall take effect immediately.

Approved May 6, 1907.

CHAPTER 399.

AN ACT to amend the labor law, relative to inspection of mines, tunnels and quarries.

Section 1. Sections one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight and one hundred and twenty-nine of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," are hereby amended to read as follows:

§ 120. Duties of [factory inspector] *commissioner of labor* relating to **mines, [;] tunnels and quarries; record and report.**—The [factory inspector] *commissioner of labor* shall see that every necessary precaution is taken to insure the safety and health of employees employed in the mines and quarries *and in the construction of tunnels of the state* and shall prescribe rules and regulations therefor; keep a record of the names and location of such mines, *tunnels* and quarries, and the names of the persons or corporations owning or operating the same; collect data concerning the work-

ing thereof; examine carefully into the method of timbering shafts, drifts, inclines, slopes and tunnels, through which employees and other persons pass, in the performance of their daily labor, and see that the persons or corporations owning and operating such mines, and quarries and *constructing tunnels* comply with the provisions of this chapter; and such information shall be furnished by the person operating such mine, *tunnel* or quarry, upon demand of the [factory inspector] *commissioner of labor*. The [factory inspector] *commissioner of labor* shall keep a record of all mine, *tunnel* and quarry examinations, showing the date thereof, and the condition in which the mines, *tunnels* and quarries are found, and the manner of working the same. He shall make an annual report to the legislature during the month of January, containing a statement of the number of mines, *tunnels* and quarries visited, the number in operation, the number of men employed, and the number and cause of accidents, fatal and non-fatal, that may have occurred in and about the same.

§ 121. *Outlets of mines.*—If, in the opinion of the [factory inspector,] *commissioner of labor* it is necessary for safety of employees, the owner, operator or superintendent of a mine, operating through either a vertical or [oblique] *inclined* shaft, or a horizontal tunnel, shall not employ any person therein unless there are in connection with the subterranean workings thereof not less than two openings or outlets, at least one hundred and fifty feet apart, and connected with each other. Such openings or outlets shall be so constructed as to provide safe and distinct means of ingress and egress from and to the surface, at all times, for the use of the employees of such mine.

§ 122. *Ventilation and timbering of mines.*—In each mine or *tunnel* a ventilating current shall be conducted and circulated along the face of all working places and through the roadways, in sufficient quantities to insure the safety of employees and remove smoke and noxious gases. Each owner, agent, manager or lessee of a mine or *tunnel* shall cause it to be properly timbered, and the roof and sides of each working place therein properly secured. No person shall be required or permitted to work in an unsafe place or under dangerous material, except to make it secure.

§ 123. *Riding on loaded cars; storage of inflammable supplies.*—No person shall ride or be permitted to ride on any loaded car, cage or bucket into or out of a mine or *tunnel in process of construction*. No powder or oils of any description shall be stored in a mine, *tunnel* or quarry, or in or around shafts, engine or boiler houses, and all supplies of an inflammable and destructive nature shall be stored at a safe distance from the mine or *tunnel* openings.

§ 124. *Inspection of steam boilers and apparatus; steam, air and water gauges.*—All boilers used in generating steam for mining or *tunneling* purposes shall be kept in good order, and the owner, agent, manager or lessee of such mine or *tunnel* shall have such boilers inspected by a competent person, approved by the [factory inspector,] *commissioner of labor*, once in six months, and shall file a certificate showing the result thereof in the mine or *tunnel* office and a duplicate thereof in the office of the [factory inspector] *commissioner of labor*. All engines, brakes, cages, buckets, ropes and chains shall be kept in good order and inspected daily by the superintendent of the mine or *tunnel* or a person designated by him. *All lifts, hoists, ropes and other mechanical devices shall be properly designed and maintained to sustain the weight intended to be placed thereon or suspended therefrom, such factors*

of safety being used as are generally accepted as sufficient by competent engineers, and all cars and lifts shall be supplied with safety brakes. All hoisting ropes shall at all times be of a breaking strength of not less than five times the gross load suspended from them, including weight of rope itself. Each boiler or [nest] battery of boilers used in mining or tunneling for generating steam, shall be provided with a proper safety valve and with steam and water gauges, to show, respectively, the pressure of steam and the height of water in the boilers. Every boiler-house in which a boiler or nest of boilers is placed, shall be provided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam pipe in the engine-house, and so placed that the engineer or fireman can readily ascertain the pressure carried. Every tunnel in which men are working under artificial air pressure shall be furnished with properly equipped and placed gauges capable at all times of showing the weight or pressure of air in said tunnel, and said gauge shall at all times during working hours be accessible to all persons working on said tunnel.

§ 125. **Use of explosives; blasting.**—When high explosives other than gunpowder are used in a mine, *tunnel* or quarry, the manner of storing, keeping, moving, charging and firing, or in any manner using such explosives, shall be in accordance with rules prescribed by the [factory inspector] *commissioner of labor*. In charging holes for blasting, in slate, rock or ore in any mine, *tunnel* or quarry, no iron or steel pointed needle or tamping bar shall be used, unless the end thereof is tipped with at least six inches of copper or other soft material. No person shall be employed to blast unless the mine or *tunnel* superintendent or person having charge of such mine or *tunnel*, is satisfied that he is qualified, by experience, to perform the work with ordinary safety. When a blast is about to be fired in a mine or *tunnel* timely notice thereof shall be given by the person in charge of the work, to all persons who may be in danger therefrom.

§ 126. **Report of accidents.**—Whenever loss of life or [serious] *an accident causing an injury incapacitating any person for work*, shall occur in the operation of a mine, *tunnel* or quarry, the owner, agent, manager or lessee thereof shall immediately report, in writing, all the facts connected therewith to the [factory inspector] *commissioner of labor*.

§ 127. **Notice of dangerous condition.**—If the [factory inspector,] *commissioner of labor*, after examination or otherwise, is of the opinion that a mine or *tunnel*, or anything used in the operation thereof, is unsafe, he shall immediately serve a written notice, specifying the defects, upon the owner, agent, manager or lessee, who shall forthwith remedy the same.

§ 128. **Enforcement of article.**—The [factory inspector] *commissioner of labor* may serve a written notice upon the owner, agent, manager or lessee of a mine or *tunnel* requiring him to comply with a specified provision of this article. The [factory inspector] *commissioner of labor* shall [may thereafter] begin an action in the supreme court to enforce compliance with such provision; and upon such notice as the court directs, an order may be granted, restraining the working of such mine or *tunnel* during such time as may be therein specified.

§ 129. **Admission of inspectors to mines and tunnels.**—The owner, agent, manager or lessee of a mine or *tunnel*, at any time, either day or night, shall admit to such mine or *tunnel* or any building used in the operation thereof,

the [factory inspector] *commissioner of labor* or any *qualified* person duly authorized by him, for the purpose of making the examinations and inspections necessary for the enforcement of this article, and shall render any necessary assistance for such inspections.

§ 2. Article nine of said chapter is hereby amended by adding thereto three new sections to be sections one hundred and thirty-four and one hundred and thirty-five and one hundred and thirty-six and to read respectively as follows:

§ 134. *Underground workings to be equipped with head house and doors.*—Every underground working where the depth exceeds forty feet shall be equipped with a proper head house and trapdoors.

§ 135. *Mines and tunnels to be equipped with washrooms.*—Every mine, tunnel or quarry employing over twenty-five men shall maintain a suitably equipped and heated washroom, which shall be at all times accessible to the men employed.

§ 136. *Method of exploding blasts.*—No blast shall be exploded by an electric current of more than two hundred and fifty volts.

§ 3. Nothing in this act contained shall be construed to affect, limit or vary any liability which has accrued prior to the passage of this act.

§ 4. This act shall take effect immediately.

Approved June 3, 1907.

CHAPTER 418.

AN ACT to amend the labor law, relative to confectioneries.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eleven of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter four hundred and one of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 111. *Drainage and plumbing of buildings and rooms occupied by bakeries.*—All buildings or rooms occupied as biscuit, bread, macaroni, spaghetti, pie or cake bakeries, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows or ventilating pipes, sufficient to insure adequate and proper ventilation. No cellar or basement, shall be occupied or used, as a bakery, unless the proprietor shall comply with the provisions of this article, except that any cellar or basement less than eight feet in height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not be altered to conform to the provision with respect to height of rooms. Basements or cellars used as confectionery and ice cream manufacturing shops, shall be not less than seven feet in height [.]; *except that any cellar or basement more than six feet in height which was used as a confectionery or ice cream manufacturing shop before October first nineteen hundred and six, need not be altered to conform with this provision.*

§ 2. This act shall take effect immediately.

Approved June 5, 1907.

CHAPTER 421.

AN ACT to amend chapter three hundred of the laws of nineteen hundred and four, entitled "An act to revise and consolidate the several acts relative to the city of Niagara Falls," in relation to the establishment of an industrial commission for said city.

* * * * *

§ 572. The powers and duties of said board of industrial commissioners shall be as follows: To employ on behalf of said city an industrial agent, hereinafter provided for; to superintend and direct his duties; to gather information and data referring to the industrial and commercial conditions of said city; to see that the same are properly tabulated and arranged so that ready reference thereto may be had by the public and other departments of the city; to have such data and information printed in proper form so that the same may be circulated among the public at large; to impartially and promptly afford information concerning the general industrial and commercial conditions and advantages in said city to all persons, firms and corporations making inquiry in regard to the same; to hire such necessary assistance for the municipal industrial agent as he shall request and nominate, subject to the approval of the board of estimate and apportionment; to keep the offices of said board open and the records of said board accessible to all persons and authorities from nine in the morning to four in the afternoon each day of the week, Sundays and holidays excepted, and on such additional hours of said days as said board of industrial commissioners may determine; to inquire into shipping rates and all other facts and conditions tending to advance or retard the commercial and industrial interests and development of said city, and to report the facts relating thereto, and to recommend action thereon to the various boards and departments of said city within whose jurisdiction the taking of such recommended action would properly come. Said board shall meet at least bi-monthly, at such times and in such place or places in said city as said board may determine.

* * * * *

Approved and in effect June 5, 1907.

CHAPTER 425.

AN ACT to amend chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal court of the city of New York, its officers and marshals," relating to actions by wage earners.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and seventy-four of chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal court of the city of New York, its officers and marshals," is hereby amended to read as follows:

§ 274. Judgment in favor of wage earners.—In an action, brought in the municipal court, by a journeyman, laborer, or other employee whose employment answered to the general description of wage earner, for services ren-

dered or wages earned in such capacity, if the plaintiff recovers a judgment for a sum not exceeding fifty dollars, exclusive of costs, and the action shall have been brought within [one] two months after the cause of action accrued, no property of the defendant is exempt from levy and sale by virtue of an execution against property, issued thereupon; and, if such an execution is returned wholly or partly unsatisfied, the clerk must, upon the application of the plaintiff, issue an execution against the person of the defendant for the sum remaining uncollected, if the indorsement required by this act to the effect that defendant was liable to arrest was complied with. A defendant arrested by virtue of an execution so issued against his person, must be actually confined in the jail, and is not entitled to the liberties thereof; but he must be discharged after having been so confined for fifteen days. After his discharge another execution against his person cannot be issued upon the judgment, but the judgment creditor may enforce the judgment against property as if the execution, from which the judgment debtor is discharged, has been returned, without his being taken.

§ 2. This act shall take effect September first, nineteen hundred and seven.

Approved June 5, 1907.

CHAPTER 429.

AN ACT to establish the public service commissions and prescribing their powers and duties, and to provide for the regulation and control of certain public service corporations and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 47. **Investigation of accidents.**—Each commission shall investigate the cause of all accidents on any railroad or street railroad within its district which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every common carrier, railroad corporation and street railroad corporation is hereby required to give immediate notice to the commission of every accident happening upon any line of railroad or street railroad owned, operated, controlled or leased by it, within the territory over which such commission has jurisdiction in such manner as the commission may direct. Such notice shall not be admitted as evidence or used for any purpose against such common carrier, railroad corporation or street railroad corporation giving such notice in any suit or action for damages growing out of any matter mentioned in said notice.

§ 66. **General powers of commissions in respect to gas and electricity.**—Each commission shall within its jurisdiction:

2. * * * have power to order such improvements as will best * * * protect those using such gas or electricity and those employed in the manufacture and distribution thereof, or in the maintenance and operation of the works, wires, poles, lines, conduits, ducts and systems maintained in connection therewith.

CHAPTER 463.

AN ACT to amend chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act authorizing the sale of property left in street surface railroad cars, and the disposition of the proceeds thereof," relative to cabs, coaches, stages and other similar vehicles.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act authorizing the sale of property left in street surface railroad cars, and the disposition of the proceeds thereof," is hereby amended to read as follows:

Section 1. It shall be the duty of every street surface railway corporation doing business in this state, *and of every corporation engaged in this state in the business of carrying passengers for hire in cabs, coaches, or other similar vehicles or of letting such vehicles for hire, or in the business of operating a line of stages or omnibuses*, which shall have unclaimed property left in its cars, cabs, coaches, stages or other similar vehicles, to ascertain if possible, the owner or owners of such property, and to notify such owner or owners of the fact by mail as soon as possible, after such property comes into its possession. Every such corporation which shall have such property not perishable, in its possession for the period of three months, may sell the same at public auction, after giving notice to that effect, by one publication, at least ten days prior to the sale, in a daily newspaper published in the city or village in which such sale is to take place, of the time and place at which such sale will be held, and such sale may be adjourned from time to time until all the articles offered for sale are sold. All perishable property so left, may be sold by any such [street surface railroad] corporation without notice, as soon as it can be, upon the best terms that can be obtained.

§ 2. Section two of said act is hereby amended to read as follows:

§ 2. All moneys arising from the sale of any such unclaimed property, after deducting charges for storage and expenses of sale, shall be paid by any such corporation to the treasurer of any association, composed of the employees of such [street railroad] corporation, having for its object the pecuniary assistance of its members in case of disability caused by sickness or accident, for the use and benefit of such association and its members; and where no such association of the employees of any such [street railroad] corporation is in existence at the time of any such sale, such moneys shall be paid over to the county treasurer of the county *or if in a city, to the chief fiscal officer thereof*, in which such sale took place for the benefit of such city or county.

§ 3. All acts and parts of acts inconsistent with the foregoing provisions are hereby repealed.

§ 4. This act shall take effect immediately.

Approved June 10, 1907.

CHAPTER 485.

AN ACT to amend the labor law, relative to providing wash-rooms in foundries.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-eight of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter three hundred and six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 88. Wash-room and water-closets.—Every factory shall contain a suitable, convenient and separate water-closet or water-closets for each sex, which shall be properly screened, ventilated, and kept clean and free from all obscene writing or marking; and also, a suitable and convenient wash-room. The water-closets used by women shall have separate approaches. Inside closets shall be maintained whenever practicable and in all cases when required by the commissioner of labor. When women or girls are employed, a dressing-room shall be provided for them, when required by the commissioner of labor. *In all brass and iron foundries there shall be provided and maintained for the use of employees, suitable washrooms with proper water service, and suitable provision for drying of the working clothes of persons using the same.*

§ 2. This act shall take effect October first, nineteen hundred and seven.

Approved June 11, 1907.

CHAPTER 490.

AN ACT to amend the labor law, relative to ventilation of factories.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-six of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended to read as follows:

§ 86. Ventilation.—The owner, agent or lessee of a factory shall provide, in each workroom thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation; if excessive heat be created or if steam, gases, vapors, dust or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein the room must be ventilated in such a manner as to render them harmless, so far as is practicable; in case of failure the commissioner of labor [factory inspector] shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall forfeit to the people of the state, ten dollars for each day after the expiration of such twenty days, to be recovered by the commissioner of labor. [factory inspector, in his name of office.]

§ 2. This act shall take effect October first, nineteen hundred and seven.

Approved June 11, 1907.

CHAPTER 505.

AN ACT to amend the labor law and repeal chapter nine of the laws of nineteen hundred and one, relative to the organization of the department of labor.

Section 1. Chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended by inserting between articles one and two thereof a new article to be numbered article two and to read as follows:

ARTICLE II.

*Department of labor.**Section 30. Commissioner of labor.**31. Deputy commissioners.**32. Bureaus.**33. Powers.**34. Salaries and expenses.**35. Sub-offices.**36. Reports.**37. Old records.*

Section 30 Commissioner of labor.—There shall continue to be a department of labor the head of which shall be the commissioner of labor who shall be appointed by the governor by and with the advice and consent of the senate and who shall hold office for a term of four years beginning on the first day of January of the year in which he is appointed. He shall receive an annual salary of five thousand dollars. He shall appoint all officers, clerks and other employees in the department of labor. Wherever the title of factory inspector is used in article one of this chapter or the title of commissioner of labor statistics in article four thereof it shall be construed to mean the commissioner of labor.

§ 31. *Deputy commissioners.*—The commissioner of labor shall forthwith upon entering upon the duties of his office appoint and may at pleasure remove two deputy commissioners of labor, who shall receive such annual salaries, not to exceed three thousand dollars each, as may be appropriated therefor. The powers hereinafter conferred upon the first and second deputy commissioners shall not include the appointment of officers, clerks or other employees in any of the bureaus of the department of labor.

§ 32. *Bureaus.*—The department of labor shall be divided into three bureaus as follows: factory inspection, labor statistics and mediation and arbitration.

§ 33. *Powers.*—Subdivision 1. The commissioner of labor, his deputies and their assistants and each special agent and deputy factory inspector may administer oaths and take affidavits in matters relating to the provisions of this chapter.

Subd. 2. No person shall interfere with, obstruct or hinder by force or otherwise the commissioner of labor, his deputies, their assistants or the special agents or deputy factory inspectors while in the performance of their

duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter, or refuse them admittance to any place where and when labor is being performed which is affected by the provisions of this chapter.

Subd. 3. All notices, orders and directions of deputies, assistants, special agents and deputy factory inspectors given in accordance with this chapter are subject to the approval of the commissioner of labor. And all acts, notices, orders, permits and directions by any provisions of this chapter directed to be performed or given by the factory inspector, chairman of the board of mediation and arbitration or other officer of the department of labor may be performed or given by and in the name of the commissioner of labor and by any officer of the department thereunto duly authorized by such commissioner in the name of such commissioner.

Subd. 4. The commissioner of labor may procure and cause to be used badges for himself and his subordinates in the department of labor while in the performance of their duties.

§ 34. Salaries and expenses.—All necessary expenses incurred by the commissioner of labor in the discharge of his duties shall be paid by the state treasurer upon the warrant of the comptroller issued upon proper vouchers therefor. The reasonable and necessary traveling and other expenses of the deputy commissioners, their assistants, the special agents and statisticians, the deputy factory inspectors and other field officers of the department while engaged in the performance of their duties shall be paid in like manner upon vouchers approved by the commissioner of labor and audited by the comptroller.

§ 35. Sub-offices.—The commissioner of labor may establish and maintain a sub-office in any city of the first class if in his opinion it be necessary. He may designate any one or more of his subordinates to take charge of and manage any such office, subject to his direction. The reasonable and necessary expenses of such office shall be paid as are other expenses of the commissioner of labor.

§ 36. Reports.—The commissioner of labor shall report annually to the legislature.

§ 37. Old records.—All statistics furnished to and all complaints, reports and other documentary matter received by the commissioner of labor pursuant to this chapter or any act repealed or superseded thereby may be destroyed by such commissioner after the expiration of six years from the time of the receipt thereof.

§ 38. Counsel.—The commissioner of labor may employ counsel in the department of labor to represent the department or to assist in the prosecution of actions or proceedings brought under the provisions of this chapter. Such counsel shall receive such compensation as may otherwise be provided by law.

§ 2. Article two of said chapter is hereby renumbered article three and amended to read as follows:

ARTICLE [II] III.

Bureau [Commissioner] of Labor Statistics.

Section [30] 40. *Bureau [Commissioner] of labor statistics.*

[31] 41. *Duties and powers.*

[32] 42. *Statistics to be furnished upon request.*

§ [30] 40. *Bureau [Commissioner] of labor statistics.*— There shall continue to be a bureau [commissioner] of labor statistics, *which shall be under the immediate charge of a chief statistician, but subject to the direction and supervision of the commissioner of labor.* [who shall be appointed by the governor, by and with the advice and consent of the senate and shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. He may appoint a deputy commissioner of labor statistics, at an annual salary of two thousand and five hundred dollars, and a chief clerk at an annual salary of two thousand dollars, and such other clerks and assistants as he may deem necessary and fix their salaries. The term of office of the successor of the commissioner in office when this chapter takes effect is abridged so as to expire on the last day of December preceding the time when such term would otherwise expire, and thereafter the term of office of such commissioner shall begin on the first day of January.]

§ [31] 41. *Duties and powers.*— The commissioner of labor [statistics] shall collect, assort, systematize and present in annual reports to the legislature, [within ten days after the convening thereof in each year,] statistical details in relation to all departments of labor in the state, especially in relation to the commercial, industrial, social and sanitary condition of workingmen and to the productive industries of the state. He may subpoena witnesses, take and hear testimony, take or cause to be taken depositions and administer oaths.

§ [32] 42. *Statistics to be furnished upon request.*— The owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing establishment, or any agent, superintendent, subordinate, or employee thereof, *and any person employing or directing any labor affected by the provisions of this chapter*, shall, when requested by the commissioner of labor [statistics], furnish any information in his possession or under his control which the commissioner is authorized to require, and shall admit him to any place *where labor is carried on which is affected by the provisions of this chapter* [herein named] for the purpose of inspection. All statistics furnished to the commissioner of labor [statistics], pursuant to this article, may be destroyed by such commissioner after the expiration of two years from the time of the receipt thereof. A person refusing to admit such commissioner, or a person authorized by him, to any such establishment, or to furnish him any information requested, or who refuses to answer or untruthfully answers questions put to him by such commissioner, in a circular or otherwise, shall forfeit to the people of the state the sum of one hundred dollars for each refusal [and] *or untruthful answer [untruthfully] given*, to be sued for and recovered by the commissioner in his name of office. The amount so recovered shall be paid in to the state treasury.

§ 3. Article five of said chapter, as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

ARTICLE V.

Bureau of Factory Inspection. [Factory Inspector, Assistant and Deputies.]**Section** 60. Factory inspector [and assistant].

61. Deputies [and clerks].

62. General powers and duties [of factory inspector].

63. Reports.

[64. Badges.]

[65. Payment of salaries and expenses.]

[66. Sub-office in New York city.]

67. Duties [of factory inspector] relative to apprentices.

68. *Laws to be posted.*

§ 60. Factory inspector.—[and assistant. There shall continue to be a factory inspector and assistant factory inspector, who shall be appointed by the governor, by and with the advice and consent of the senate. The term of office of each shall be three years. The term of office of the successor of the factory inspector and assistant factory inspector in office when this chapter takes effect shall be abridged so as to expire on the last day of December preceding the time when each such term would otherwise expire, and thereafter each such term shall begin on the first day of January. There shall be paid to the factory inspector an annual salary of three thousand dollars, and to the assistant factory inspector an annual salary of two thousand five hundred dollars.] *There shall continue to be a bureau of factory inspection. The first deputy commissioner of labor shall be the factory inspector of the state and in immediate charge of this bureau, but subject to the direction and supervision of the commissioner of labor.*

§ 61. Deputies [and clerks].—The commissioner of labor [factory inspector] may appoint from time to time not more than sixty [fifty] persons as deputy factory inspectors, not more than ten of whom shall be women, and who may be removed by him at any time. *The deputy factory inspectors may be divided into three grades, but not more than five shall be of the third grade. Each deputy inspector of the first grade shall receive an annual salary of one thousand [two hundred] dollars, each of the second grade an annual salary of one thousand two hundred dollars and each of the third grade an annual salary of one thousand five hundred dollars.* [The factory inspector may designate six or more of such deputies to inspect the buildings and rooms occupied and used as bakeries and to enforce the provisions of this chapter relating to the manufacture of flour or meal food products. One of such deputies shall have a knowledge of mining, whose duty it shall be, under the direction of the factory inspector, to inspect mines and quarries and to enforce the provisions of this chapter relating thereto. The factory inspector may appoint one or more of such deputies to act as clerk in his principal office.]

§ 62. General powers and duties [of the factory inspector].—*Subdivision 1. The commissioner of labor [factory inspector] may divide the state into districts, assign one or more deputy factory inspectors to each district, and may in his discretion transfer them from one district to another; he may assign any of them to inspect any special class or classes of factories or to enforce any special provisions of this chapter; and he may assign any one or more of them to act as clerks in any office of the department.*

Subd. 2. The commissioner of labor may authorize any deputy commissioner or assistant and any special agent or inspector in the department of

labor to act as a deputy factory inspector with the full power and authority thereof.

Subd. 3. The commissioner of labor, the first deputy commissioner of labor and his assistant or assistants and every deputy or acting deputy factory inspector may in the discharge of his duties enter any place, building or room where and when any labor is being performed which is affected by the provisions of this chapter, and may enter any factory whenever he may have reasonable cause to believe that any such labor is being performed therein.

Subd. 4. The commissioner of labor [factory inspector] shall visit and inspect or cause to be visited and inspected the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter to be enforced therein [, and prosecute all persons violating the same.]

Subd. 5. Any lawful municipal ordinance, by-law or regulation relating to factories, in addition to the provisions of this chapter and not in conflict therewith, may [shall] be observed and enforced by the commissioner of labor. [The factory inspector, assistant and each deputy may administer oaths and take affidavits in matters relating to the enforcement of the provisions of this chapter.]

[No person shall interfere with, obstruct or hinder, by force or otherwise, the factory inspector, assistant factory inspector or deputies while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter.]

[All notices, orders and directions of assistants or deputy factory inspectors given in accordance with this chapter are subject to the approval of the factory inspector.]

§ 63. Reports.—The commissioner of labor [factory inspector] shall make an annual report [annually] to the legislature of the operation of this bureau. [in the month of January. The assistant factory inspector and each deputy shall report to the factory inspector, from time to time, as he may require.]

[§ 64. Badges.—The factory inspector may procure and cause to be used, badges for himself, his assistant and deputies, while in the performance of their duties, the cost of which shall be a charge upon the appropriation made for the use of the department.]

[§ 65. Payment of salaries and expenses.—All necessary expenses incurred by the factory inspector in the discharge of his duties, shall be paid by the state treasurer upon the warrant of the comptroller, issued upon proper vouchers therefor. The reasonable necessary traveling and other expenses of the assistant factory inspector and deputy factory inspectors, while engaged in the performance of their duties, shall be paid in like manner upon vouchers approved by the factory inspector and audited by the comptroller. All such expenses and the salaries of the factory inspector, assistant and deputies shall be payable monthly.]

[§ 66. Sub-office in New York city.—The factory inspector may establish and maintain a sub-office in the city of New York, if, in his opinion, the duties of his office demand it. He may designate one or more of the deputy factory inspectors to take charge of and manage such office, subject to his direction. The reasonable and necessary expenses of such office shall be paid, as are other expenses of the factory inspector.]

§ 67. Duties [of factory inspector] relative to apprentices.—The commissioner of labor [factory inspector, his assistant and deputies] shall enforce

the provisions of the domestic relations law, relative to indenture of apprentices, and prosecute employers for failure to comply with the provisions of such indentures and of such law in relation thereto.

§ 68. *Laws to be posted.*—A copy or abstract of the provisions of this chapter applicable thereto, to be prepared and furnished by the commissioner of labor, shall be kept posted by the employer in a conspicuous place on each floor of every factory where persons are employed who are affected by the provisions thereof.

§ 4. Article ten of said chapter is hereby amended to read as follows:

ARTICLE X.

Bureau [State Board] of Mediation and Arbitration.

Section 140. *Chief mediator.*

141. *Mediation and investigation.*

[140] 142. *Board of mediation and arbitration.* [Organization of board.]

[141. Secretary and his duties.]

[142] 143. *Arbitration by the board.*

[143. Mediation in case of strike or lockout.]

144. *Decisions of board.*

145. *Annual report.*

146. *Submission of controversies to local arbitrators.*

147. *Consent; oath; powers of arbitrators.*

148. *Decision of arbitrators.*

[149. *Appeals.*]

§ 140. *Chief mediator.*—There shall continue to be a bureau of mediation and arbitration. The second deputy commissioner of labor shall be the chief mediator of the state and in immediate charge of this bureau, but subject to the supervision and direction of the commissioner of labor.

§ 141. *Mediation and investigation.*—Whenever a strike or lockout occurs or is seriously threatened an officer or agent of the bureau of mediation and arbitration shall, if practicable, proceed promptly to the locality thereof and endeavor by mediation to effect an amicable settlement of the controversy. If the commissioner of labor deems it advisable the board of mediation and arbitration may proceed to the locality and inquire into the cause thereof, and for that purpose shall have all the powers conferred upon it in the case of a controversy submitted to it for arbitration.

§ 142. [140. *Organization of board.*] *Board of mediation and arbitration.*—There shall continue to be a state board of mediation and arbitration, which shall consist of the chief mediator and two other officers of the department of labor to be from time to time designated by the commissioner of labor. The chief mediator when present shall be the chairman of the board. [consisting of three competent persons to be known as arbitrators, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. The term of office of the successors of the members of such board in office when this chapter takes effect, shall be abridged so as to expire on the thirty-first day of December preceding the time when each such term would otherwise expire, and thereafter each term shall begin on the first day of January. One member of such board

shall belong to the political party casting the highest, and one to the party casting the next highest number of votes for governor at the last preceding gubernatorial election. The third shall be a member of an incorporated labor organization of this state.] Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

[§ 141. **Secretary and his duties.**—The board shall appoint a secretary, whose term of office shall be three years. He shall keep a full and faithful record of the proceedings of the board, and all documents and testimony forwarded by the local boards of arbitration, and shall perform such other duties as the board may prescribe. He may, under the direction of the board, issue subpoenas and administer oaths in all cases before the board, and call for and examine books, papers and documents of any parties to the controversy. He shall receive an annual salary of two thousand dollars, payable in the same manner as that of the members of the board.]

§ 143. [142.] **Arbitration by the board.**—A grievance or dispute between an employer and his employees may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance, [and] take and hear testimony, [.] and call for and examine books, papers and documents of any parties to the controversy. *Subpoenas shall be issued by the chairman under the seal of the department of labor.* Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

[§ 143. **Mediation in case of strike or lockout.**—Whenever a strike or lockout occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor by mediation to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.]

§ 144. **Decisions of board.**—Within ten days after the completion of every [examination or investigation authorized by this article,] *arbitration*, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party of the controversy. Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy. [, and in case of a submission to arbitration, a copy shall be filed in the office of the clerk of the county or counties where the controversy arose.]

§ 145. **Annual report.**—The [board] *commissioner of labor* shall make an annual report to the legislature of the operations of this bureau. [and shall include therein such statements and explanations as will disclose the actual

work of the board, the facts relating to each controversy considered by them and the decision thereon, together with such suggestions as to legislation as may seem conducive to harmony in the relations of employers and employees.]

§ 146. **Submission of controversies to local arbitrators.**—A grievance or dispute between an employer and his employees may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employees concerned are members in good standing of a labor organization, [which is represented by one or more delegates in a central body.] one arbitrator may be appointed by such [central body] organization and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board. [If the employees concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator.] If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose, may designate one arbitrator for such board.

§ 147. **Consent; oath; powers of arbitrators.**—Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy. The board may, through its chairman, subpoena witnesses, compel their attendance and take and hear testimony. The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

§ 148. **Decision of arbitrators.**—The board shall, within ten days after the close of the hearing, render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. [Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the state board of mediation and arbitration.] One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose and one copy shall be transmitted to the [secretary of the state board] bureau of mediation and arbitration.

[§ 149. **Appeals.**—The state board of arbitration shall hear, consider, and investigate every appeal to it from any such board of local arbitrators and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose and duplicate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.]

§ 5. Section one hundred and six of said chapter, as amended by chapter four hundred and seventy-five of the laws of nineteen hundred and one, is hereby repealed.

§ 6. Chapter nine of the laws of nineteen hundred and one, entitled "An act to create a department of labor and the office of commissioner of labor, and abolishing the offices of commissioner of labor statistics and factory inspector, and the state board of mediation and arbitration," is hereby repealed.

§ 7. This act shall take effect immediately.

Approved June 15, 1907.

CHAPTER 506.

AN ACT to amend the penal code, relative to violations of provisions of the labor law.

Section 1. Section three hundred and eighty-four-h of the penal code, as amended by chapter four hundred and sixteen of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 384-h. **Hours of labor to be required.**—Any person or corporation,

1. Who, contracting with the state or a municipal corporation, shall require more than eight hours work for a day's labor; or

2. Who shall require more than ten hours labor, including one-half hour for dinner, to be performed within twelve consecutive hours, by the employees of a street surface and elevated railway owned or operated by corporations whose main line of travel or routes lie principally within the corporate limits of cities of more than one hundred thousand inhabitants; or

3. Who shall require the employees of a corporation owning or operating a brickyard to work *contrary to the requirements of section six of the labor law* [more than ten hours in any one day or to commence work before seven o'clock in the morning, unless by agreement between employer and employee]; or,

*4. Who shall require the employees of a corporation operating a line of railroad of thirty miles in length or over, in whole or in part within this state *contrary to the requirements of article one of the labor law*, is guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of not less than five hundred nor more than one thousand dollars for each offense. If any contractor with the state or a municipal corporation shall require more than eight hours for a day's labor, upon conviction therefor in addition to such fine, the contract shall be forfeited at the option of the municipal corporation.

§ 2. Section three hundred and eighty-four-l of the penal code, as amended by chapter four hundred and sixteen of the laws of eighteen hundred and ninety-seven and by chapter three hundred and eighty of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 384-l. **Violations of provisions of labor law.**—Any person who violates or does not comply with:

1. *The provisions of article two of the labor law, relating to the department of labor;*

2. *The provisions of article three of the labor law, relating to the bureau of labor statistics;*

3. *The provisions of article five of the labor law, relating to the bureau of factory inspection;*

4 [1]. *The provisions of article six of the labor law, relating to factories;*

5 [2]. *The provisions of article seven of the labor law, relating to the manufacture of articles in tenements;*

6 [3]. *The provisions of article eight of the labor law, relating to bakeries and confectionery establishments [, the employment of labor and the manufacture of flour or meal food products therein];*

7 [4]. *The provisions of article eleven of the labor law, relating to mercantile establishments, and the employment of women and children therein;*

* Subdivision 4 was subsequently amended by chapter 523.

8 [5]. And any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles six and eleven of the labor law to appear in any affidavit, record, transcript or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than [one hundred] *fifty* dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

§ 3. Section three hundred and eighty-four-f of the penal code, as amended by chapter four, hundred and sixteen of the laws of eighteen hundred and ninety-seven, is hereby repealed.

§ 4. This act shall take effect immediately.

Approved June 15, 1907.

CHAPTER 507.

AN ACT to amend the labor law, relative to hours of labor of children, minors and women.

Section 1. Section seventy-seven of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine and chapter one hundred and eighty-four of the laws of nineteen hundred and three and chapter four hundred and ninety of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 77. *Hours of labor of children, minors and women.*—*Subd. 1.* No child [minor] under the age of sixteen years shall be employed [,] or permitted [or suffered] to work in or in connection with any factory in this state before [six] eight o'clock in the morning, or after [seven] five o'clock in the evening of any day, or for more than eight [nine] hours in any one day, or more than six days in any one week.

Subd. 2. No male minor under the age of eighteen years [,] shall be employed or permitted to work in any factory in this state more than six days or sixty hours in any one week, or for more than ten hours in any one day, except as hereafter provided; [and no] nor between the hours of twelve midnight and four o'clock in the morning.

Subd. 3. No female minor under the age of twenty-one years and no woman shall be employed [,] or permitted [or suffered] to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day [,] or more than six days or sixty hours in any one week; nor [, or] for more than ten hours in any one day except as hereafter provided. [to make a shorter work day on the last day of the week; or for more than sixty hour in any one week, or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked.]

Subd. 4. A printed notice, in a form which shall be [prescribed and] furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such

work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered to work in such factory except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons [at work] in the factory at any other hours than those stated in the printed notice, or if no such notice be posted, before seven o'clock in the morning or after six o'clock in the evening, shall constitute prima facie evidence of a violation of this section [of the law].

Subd. 5. In a factory wherein, owing to the nature of the work, it is practically impossible to fix the hours of labor weekly in advance the commissioner of labor, upon a proper application stating facts showing the necessity therefor, shall grant a permit dispensing with the notice hereinbefore required, upon condition that the daily hours of labor be posted for the information of employees and that a time book in a form to be approved by him, giving the names and addresses of all female employees and the hours worked by each of them in each day, shall be properly and correctly kept, and shall be exhibited to him or any of his subordinates promptly upon demand. Such permit shall be kept posted in such place in such factory as such commissioner may prescribe, and may be revoked by such commissioner at any time for failure to post it or the daily hours of labor or to keep or exhibit such time book as herein provided.

Subd. 6. Where a female or male minor is employed in two or more factories or mercantile establishments in the same day or week the total time of employment must not exceed that allowed per day or week in a single factory or mercantile establishment; and any person who shall require or permit a female to work in a factory between the hours of six o'clock in the evening and seven o'clock in the morning in violation of the provisions of this subdivision of this section, with or without knowledge of the previous or other employment, shall be liable for a violation thereof.

§ 2. Section seventy-eight of said act, as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine and chapter one hundred and eighty-four of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 78. *Exceptions.—Subdivision 1. A female sixteen years of age or upwards and a male between the ages of sixteen and eighteen may be employed in a factory more than ten hours a day;— (a) regularly in not to exceed five days a week, in order to make a short day or a holiday on one of the six working days of the week; (b) irregularly in not to exceed three days a week; provided that no such person shall be required or permitted to work more than twelve hours in any one day or more than sixty hours in any one week, and that the provisions of the preceding section as to notice or time book be fully complied with.*

[Change of hours of labor of minors and women.— When in order to make a shorter work day on the last day of the week, a minor over sixteen and under eighteen years of age, or a female sixteen years of age or upwards, is to be required or permitted to work in a factory more than ten hours in a day, the employer of such persons shall notify the commissioner of labor in writing,

of such intention, stating the number of hours of labor per day, which it is proposed to require or permit, and the time when it is proposed to cease such requirement or permission; a similar notification shall be made when such requirement or permission has actually ceased. A record of the names of the employees thus required or permitted to work overtime, with the amount of such overtime, and the days upon which such work was performed, shall be kept in the office of such factory, and produced upon the demand of the commissioner of labor.]

Subd. 2. In a prosecution for a violation of any provision of this or of the preceding section the burden of proving a permit or exception shall be upon the party claiming it.

§ 3. This act shall take effect October first, nineteen hundred and seven.

Approved June 15, 1907.

CHAPTER 520.

AN ACT to amend chapter five hundred and ninety-two of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to navigation, constituting chapter thirty of the general laws, authorizing temporary assignments of the inspectors of steam vessels to the department of labor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter five hundred and ninety-two of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

§ 3. **Duties of superintendent of public works.**—The superintendent of public works shall superintend the administration of the provisions of this article, appoint the inspectors provided for in this act and exercise supervision over them in the performance of their duties so far as the same relate to the administration and enforcement of the provisions of this act. *During such periods of the year as in the judgment of the superintendent of public works, the services of the inspectors provided to be appointed by this act shall not be needed in the administration of the provisions of this act, he may, upon request of the commissioner of labor, for temporary periods, transfer such inspectors to the department of labor, and during the periods in which said inspectors are so transferred, they shall be subject to the jurisdiction of the commissioner of labor and subject to detail by him as experts in the administration of the labor law. The necessary traveling expenses of said inspectors while acting under the jurisdiction of the commissioner of labor shall be paid from the funds appropriated for the administration of the department of labor, and their salaries shall be paid, as hereinafter provided, by the superintendent of public works, their vouchers to be approved by the commissioner of labor.*

§ 2. This act shall take effect immediately.

Approved June 17, 1907.

CHAPTER 523.

AN ACT to amend section three hundred and eighty-four-h of the penal code, relative to hours of labor to be required of employees of a corporation operating a line of railroad thirty miles in length, or over.

Section 1. Subdivision four of section three hundred and eighty-four-h of the penal code is hereby amended so as to read as follows:

4. Who shall require or permit [the employees] *any employee engaged in or connected with the movement of any train of a corporation operating a line of railroad thirty miles in length, or over, in whole or in part within this state, to [work contrary to the requirements of article one of the labor law] remain on duty more than sixteen consecutive hours; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period, to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four hour period; except when by casually occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal;* is guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars for each offense. If any contractor with the state or a municipal corporation shall require more than eight hours for a day's labor, upon conviction therefor in addition to such fine, the contract shall be forfeited at the option of the municipal corporation.

§ 2. This act shall take effect March fourth, nineteen hundred and eight. Approved June 17, 1907.

CHAPTER 546*.

AN ACT to amend the penal code, in relation to the sale of transportation tickets.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by adding thereto, after section six hundred and sixteen thereof, three new sections to be six hundred and sixteen-a, six hundred and sixteen-b, and six hundred and sixteen-c thereof, to read as follows:

§ 616-a. No person issuing, selling or offering to sell any passage ticket or any instrument giving or purporting to give any right, either absolutely or upon any condition or contingency, to a passage or conveyance upon any vessel, or a berth or stateroom in any vessel, shall hold himself out to be or advertise himself in any way as the agent of the owners or consignees of such vessel or line, unless he has received authority in writing therefor, specifying the name of the company, line or vessel for which he is authorized to act as agent and the city, town or village, together with the street and street number in which his office is kept for the sale of tickets, and unless such written authorization is conspicuously displayed in such office. Provided that this section shall not apply to the sale of passage tickets on board any such vessel or to the offices of the actual owners or consignees of such vessel. No person issuing, selling or offering to sell any such passage ticket or instrument giving or purporting to give any such right to passage or conveyance shall give any false or misleading information in regard to said

* A companion law to Chapter 185, q. v.

passage ticket or instrument or line over which such passage is sold, or as to his agency for such line or vessel.

§ 616-b. No person agreeing to furnish or secure for any other person, for a consideration, passage by vessel from any foreign port to any port in this state shall issue any advice, order, certificate or other instrument purporting to entitle one or more persons to a passage ticket or other evidence of a right of passage, unless every such advice, order, certificate or instrument shall be signed or countersigned by a duly appointed agent as provided in section six hundred and sixteen-a, of the vessel or line over which said advice, order, certificate or other instrument is held out to be good to secure such passage ticket or other evidence of a right of passage. Every such order, advice, certificate or other instrument and every receipt for money paid for or on account of any such advice, order, certificate or other instrument, shall contain a statement of the amount paid or to be paid for such passage; the name, address and age of the person or persons for whom intended; the name of the company or line, if any, to which the vessel on which passage is to be made belongs; the place from which such passage is to commence; the place where such passage is to terminate; the name of the person or persons purchasing such advice, order, certificate or other instrument, and such advice, order, certificate or other instrument must be signed by the person who issues it.

§ 616-c. Any person violating any of the provisions of section six hundred and sixteen-a, or six hundred and sixteen-b shall be guilty of a misdemeanor and for a second or further violation shall be guilty of a felony.

§ 2. This act shall take effect September first, nineteen hundred and seven.
Approved June 21 1907.

BILLS PASSED AND AWAITING THE ACTION OF THE GOVERNOR.

CHILD LABOR.

Senate Bill No. 1837. Introduced by Mr. Hooper (A. 1539):

AN ACT to amend the labor law, relative to children working in streets and public places in cities of the first or second class.*

Section 1. Article twelve of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as added by chapter one hundred and fifty-one of the laws of nineteen hundred and three, and as amended by chapter five hundred and nineteen of the laws of nineteen hundred and five, is hereby amended to read as follows:

ARTICLE XII.

EMPLOYMENT OF CHILDREN, IN STREET TRADES.

Section 174. Prohibited employment of children in street trades.

175. Permit and badge for newsboys, how issued.

176. Contents of permit and badge.

177. Regulations concerning badge and permit.

178. [Badge and permit to be surrendered.] *Limit of hours.*

179. [Limit of hours.] *Enforcement of article.*

179-a. Violation of this article, how punished.

§ 174. **Prohibited employment of children in street trades.**—No male child under ten, and no girl under sixteen years of age shall in any city of the

*Approved by the Governor as Chapter 588 of the Laws of 1907.

first or second class sell or expose or offer for sale newspapers, *magazines or periodicals* in any street or public place.

§ 175. **Permit and badge for newsboys, how issued.**—No male child [actually or apparently] under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of ten years or upwards [.] *and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of the normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit and badge to such child.* No such permit or badge [provided for herein] shall be valid for any purpose except during the period in which such proof *and written statement* shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined, [approved] and placed on file such [proof] *papers* the officer shall issue to the child a permit and badge. *Principals or chief executive officers of school in which children under fourteen years are pupils shall keep complete lists of all children in their schools to whom a permit and badge as herein provided have been granted.*

§ 176. **Contents of permit and badge.**—Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend as the case may be and describe the color of hair and eyes, the height and weight and any distinguishing facial mark of such child, and shall further state that the [proof] *papers* required by the preceding section [has] *have* been duly examined [, approved] and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

§ 177. **Regulations concerning badge and permit.**—The badge provided for herein shall be worn conspicuously at all times by such child while so working; [and such permit and badge shall expire at the end of one year from the date of their issue,] *and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year.* No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first or second class as a newsboy, or shall sell or expose or offer for sale newspapers, *magazines or periodicals* in any street or public place without having *conspicuously* upon

his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

[§ 178. *Badge and permit to be surrendered.*—The parent, guardian, custodian or next friend, as the case may be, of every child to whom such permit and badge shall be issued shall surrender the same to the authority by which said permit and badge are issued at the expiration of the period provided therefor.]

[179.] § 178. *Limit of hours.*—No child to whom a permit and badge are issued as provided for in the preceding sections shall sell or expose or offer for sale any newspapers, magazines or periodicals after ten o'clock in the evening [.] or before six o'clock in the morning.

§ 179. *Enforcement of article.*—In cities of the first or second class, police officers, and the regular attendance officers appointed by the board of education who are hereby vested with the powers of peace officers for the purpose, shall enforce the provisions of this article.

§ 179-a. *Violation of this article, how punished.*—Any child who shall work in any city of the first or second class in any street or public place as a newsboy or who shall sell or expose or offer for sale newspapers, magazines or periodicals in violation of [under circumstances forbidden by] the provisions of this article, shall [must] be arrested and brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law; and if any such child is committed to an institution, it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child. *The permit and badge of any child who violates the provisions of this article may be revoked by the officer issuing the same, upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any police officer or attendance officer, and such child shall surrender the permit and badge so revoked upon the demand of any attendance officer or police officer charged with the duty of enforcing the provisions of this article. The refusal of any child to surrender such permit and badge, upon such demand, or the sale or offering for sale of newspapers, magazines or periodicals in any street or public place by any child after notice of the revocation of such permit and badge shall be deemed a violation of this article and shall subject the child to the penalties provided for in this section.*

§ 2. This act shall be deemed or construed to repeal, amend, modify, impair or in any manner affect any provision of the penal code or the code of criminal procedure.

§ 3. This act shall take effect October first, nineteen hundred and seven.

Senate Bill No. 1801.* Introduced (1091) by Mr. Agnew:

AN ACT to amend the consolidated school law, relative to compulsory education of children.

Section 1. Section three of title sixteen of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, entitled "An act to revise, amend and consolidate the general acts relating to public instruction" as

*Approved by the governor, July 15, 1907, as chap. 585.

added by chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-four, and amended by chapter six hundred and six of the laws of eighteen hundred and ninety-six, chapter four hundred and fifty-nine of the laws of nineteen hundred and three, and chapter one hundred and three of the laws of nineteen hundred and seven, is hereby amended to read as follows:

§ 3. **Required attendance upon instruction.**—Every child between eight and sixteen years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least six common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at school, as follows: every such child between fourteen and sixteen years of age, not regularly and lawfully engaged in any useful employment or service, and in cities of the first and second class such child to whom an employment certificate has not been duly issued under the provisions of the labor law, and every such child between eight and fourteen years of age, shall so attend upon instruction as many days annually, during the period between the first days of October and the following June, as the public school of the district or city in which such child resides, shall be in session during the same period. Every boy between fourteen and sixteen years of age, in possession of the school record [certificate] provided for in [the fifth] section four-a of this act and who is engaged in any useful employment or service in a city of the first class or a city of the second class and who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the pre-academic certificate issued by the regents of the university of the state of New York or the certificate of the completion of an elementary school issued by the education department, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less than six hours each week, for a period of not less than sixteen weeks in each school year or calendar year. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given to children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours of each day thereof as are required of children of like age at public schools; and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

§ 2. Section four of said title as added by chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-four, as amended by chapter six hundred and six of the laws of eighteen hundred and ninety-six and by chapter four hundred and fifty-nine of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 4. **Duties of persons in parental relation to children.**—Every person in parental relation to a child between eight and sixteen years of age, in proper physical and mental condition to attend school, shall cause such child to so

attend upon instruction, or shall present to the school authorities of his city or district proof by affidavit that he is unable to compel such child to so attend[.] *except such child to whom an employment certificate shall have been duly issued under the provisions of the labor law, and who is regularly employed.* A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, and for each subsequent offense by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special sessions and police magistrates shall, subject to removal as provided in sections fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

§ 3. Title sixteen of said chapter is hereby amended by inserting after section four a new section, to be known as section four-a, to read as follows:

§ 4-a. *School record.*—Any principal or chief executive officer of a school to whom application shall have been made for a school record required under the provisions of the labor law shall issue such school record to said child as follows: Such school record shall be issued and signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, writing, spelling, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

§ 4. Section five of said title as added by chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-four and amended by chapter four hundred and fifty-nine of the laws of nineteen hundred and three, chapter two hundred and eighty of the laws of nineteen hundred and five, and chapter one hundred and three of the laws of nineteen hundred and seven, is hereby amended to read as follows:

§ 5. *Persons employing children unlawfully to be fined.*—It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session; or to employ any child between fourteen and sixteen years of age who does not, at the time of such employment, present in a city of the first class or a city of the second class, an employment certificate duly issued under the provisions of the labor law, or elsewhere the school record hereinbefore provided [a school record certificate signed by the superintendent of schools or by the principal or the principal teacher of the city or district in which the child resides or by the principal or the principal teacher of the school where the child has attended or is attending, or by such officer as the school authorities may designate, certifying that such child during the twelve

months next preceding his fourteenth birthday or during the twelve months next preceding his application for such certificate, has attended for not less than one hundred and thirty days the public schools, or schools having an elementary course equivalent thereto, in such city or district and that such child can read and write easy English prose and is familiar with the fundamental operations of arithmetic]; or to employ, in a city of the first class or a city of the second class, any child between fourteen and sixteen years of age who is not in possession of the [school record certificate hereinbefore provided,] *employment certificate hereinbefore mentioned* and who has not completed such course of study as the public elementary schools of such city require for graduation from such schools and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the regents of the university of the state of New York or the certificate of the completion of an elementary school issued by the education department, *unless* the employer of such child, if a boy, shall keep and shall display in the place where such child is employed and shall show whenever so requested by any attendance officer, factory inspector, or representative of the police department, a certificate signed by the school authorities of such school officers in said city as said school authorities shall designate, which school authorities, or officers designated by them, are hereby required to issue such certificates to those entitled to them not less frequently than once in each month during which said evening school is in session and at the close of the session of said evening school, stating that said child has been in attendance upon said evening school for not less than six hours each week for such number of weeks as will, when taken in connection with the number of weeks such evening school will be in session during the remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school of not less than six hours per week for a period of not less than sixteen weeks, *and any person who shall employ any child* contrary to the provisions of this section or who shall fail to keep and display certificates as to the attendance of employees in evening schools when such attendance is required by law shall, for each offense, forfeit and pay to the treasurer of the city or village, or to the supervisor of the town in which such child resides, a penalty of fifty dollars, the same, when paid, to be added to the public school moneys of the city, village or district in which such child resides.

§ 5. This act shall take effect September first, nineteen hundred and seven.

HEALTH AND SAFETY OF EMPLOYEES.

Senate Bill No. 795. Introduced (667) by Mr. Page:

AN ACT to amend chapter three hundred and thirty-four of the laws of nineteen hundred and one, entitled "An act in relation to tenement houses in cities of the first class," relative to bakeries.

Section 1. Section forty-one of chapter three hundred and thirty-four of the laws of nineteen hundred and one, entitled "An act in relation to tenement houses in cities of the first class," is hereby amended so as to read as follows:

§ 41. **Bakeries and fat boiling.**—No bakery and no place of business in which fat is boiled, shall be maintained in any tenement house which is not

fireproof throughout, unless the ceiling, [and] side-walls, [of] *and all exposed iron or wooden girders or columns within the said bakery or [of the] within said place where fat boiling is done are made safe by fireproof materials around the same[.]*. And there shall be no openings either by door[,] or window, dumbwaiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house, and the other parts of the said building[.], *except that in bakeries in which no fat is boiled, and in which no apparatus for fat boiling is present or on the premises, a dumbwaiter communicating between the place where the baking is done and the store above, may be maintained, if entirely enclosed in a brick shaft with walls not less than eight inches thick, without any openings whatever except one door opening in the bake-shop and one door opening in the bakery store; such openings shall each be provided with a fireproof door so arranged that when one door is open or partly open, the other door shall be entirely closed.*

§ 2. This act shall take effect immediately.

Assembly Bill No. 2761. Introduced (1891) by Mr. Boshart:

AN ACT to amend the agricultural law in relation to the employment of persons having infectious or contagious disease, or who have been exposed to any infectious or contagious disease, in any dairy or creamery where milk is produced for sale or manufactured into an article of food, and to prevent the employment of any such person in connection with the distribution of milk or other dairy products.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture constituting articles one, two, three, four and five of chapter thirty-three of the general laws," is hereby amended by adding thereto a new section to be known as section thirty-two-a, to read as follows:

Section 32-a. No person shall employ in any capacity in any dairy, creamery, milk gathering or shipping station, butter or cheese factory or condensary where milk is handled or shipped for consumption or manufactured into any food product to be sold for consumption, or upon or in any conveyance or other place in connection with milk which is being either shipped or distributed, any person who is suffering from an infectious or contagious disease, nor shall any person employ at any such place or for any such purpose, knowingly, any person who has been exposed to any such infectious or contagious disease, nor shall any person who is so suffering with such disease, or who has been exposed to any such disease, work in any such capacity until such time as he shall have fully recovered, nor shall any such person so employed wear at any time during his employment in such capacity any clothing which has been worn by any person suffering with such disease or that has been in such contact or relation to any such disease as to be liable to carry germs of the disease, until such time as such clothing has been properly disinfected. Any person or persons, knowing or having reason to

believe that any such person employed in any capacity herein set forth is suffering from any infectious or contagious disease, or has been exposed to same, shall immediately report same to the local board of health and any local board of health or health officer knowing or having reason to believe that any such person is so employed in such capacity, as above set forth, contrary to the provisions of this section, shall immediately notify the commissioner of agriculture of such fact. The commissioner of agriculture shall then immediately take such action as he may deem necessary to prevent the spread of any such disease by means of such dairy product so handled by such person or employee.

§ 2. This act shall take effect immediately.

Assembly Bill No. 1377. Introduced (682) by Mr. Geoghegan:

AN ACT to amend the railroad law, in relation to protection of street railroad employees in the counties of Kings and Queens.

Section 1. Section one hundred and twelve of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads constituting chapter thirty-nine of the general laws," as added by chapter four hundred and fifty-three of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 112. **Protection of employees in the counties of Kings and Queens.**— Every corporation operating a street surface railroad in the counties of Kings or Queens, shall cause the front and rear platforms of every passenger car propelled by electricity, cable or compressed air, operated on any division of such railroad during the months of December, January, February and March, except cars attached to the rear of other cars, to be enclosed from the fronts of the platforms to the fronts of the hoods *and on both sides of the platform*, so as to afford protection to any person stationed by such corporation on such platforms to perform duties connected with the operation of such cars. Every corporation or person using and operating a car in violation of such section shall be liable to a penalty of [twenty-five] *fifty* dollars per day for each car used and operated, to be collected in an action brought by the attorney-general and to be paid to the treasurer of the city of New York, or in a suit by the district attorney of the counties of Kings or Queens to be paid into the treasury of the city of New York. One-third of the cars operated by any corporation in either of the above named counties shall be equipped with the enclosures provided for in section one of this act on or before December first, nineteen hundred and [five,] *seven*, one-third thereof after December first, nineteen hundred and [five,] *seven*, and before December first, nineteen hundred and [six,] *eight*, and the remaining one-third thereof after December first, nineteen hundred and [six,] *eight*, and before December first, nineteen hundred and [seven] *nine*.

§ 2. This act shall take effect immediately.

Assembly Bill No. 2355. Introduced (1178) by Mr. Haines:

AN ACT to amend the railroad law, in relation to the protection of street railroad employees, in the county of Westchester.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article four of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads constituting chapter thirty-nine of the general laws," is hereby amended by adding thereto a new section to be section one hundred and thirteen-b thereof, to read as follows:

§ 113-b. **Protection of employees in the county of Westchester.**—Every corporation operating a street surface railroad in the county of Westchester shall cause the front and rear platforms of every passenger car propelled by electricity, cable or compressed air, operated on any division of such railroad during the months of December, January, February and March, except cars attached to the rear of other cars, to be completely enclosed from platform to hood so as to afford protection to any person stationed by such corporation on such platforms to perform duties connected with the operation of such cars. Every corporation or person using and operating a car in violation of such section shall be liable to a penalty of twenty-five dollars per day for each car used and operated, to be collected in an action brought by the attorney-general and to be paid into the treasury of the county of Westchester. One-half of the cars operated by any corporation in said county shall be equipped with the enclosure provided for in this act on or before December first, nineteen hundred and seven, and one-half thereof after December first, nineteen hundred and seven, and before December first, nineteen hundred and eight.

§ 2. This act shall take effect immediately.

HOURS OF LABOR.

Assembly Bill No. 2262. Introduced (891) by Mr. Northrup:

AN ACT to amend the labor law, relative to hours of labor of certain employees on railroads.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended by adding a new section after section seven thereof, to be section seven-a, to read as follows:

§ 7-a. **Regulation of hours of labor of block system telegraph and telephone operators and signalmen on surface, subway and elevated railroads.**—The provisions of section seven of this chapter shall not be applicable to employees mentioned herein. It shall be unlawful for any corporation or receiver, operating a line of railroad, either surface, subway or elevated, in whole or in part, in the state of New York, or any officer, agent or representative of such corporation or receiver to require or permit any telegraph or telephone operator who spaces trains by the use of the telegraph or telephone under what is known and termed the "block system" (defined as follows): Reporting trains to another office or offices or to a train dispatcher operating one or more trains under signals, and telegraph or telephone levermen who manipu-

late interlocking machines in railroad yards or on main tracks out on the lines [connecting side tracks or switches,] or train dispatchers in its service whose duties substantially, as hereinbefore set forth, pertain to the movement of cars, engines or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders as interpreted in this section, to be on duty for more than eight hours in a day of twenty-four hours, and it is hereby declared that eight hours shall constitute a day of employment for all laborers or employees engaged in the kind of labor aforesaid; except in cases of extraordinary emergency caused by accident, fire, flood or danger to life or property and for each hour of labor so performed in any one day in excess of such eight hours, by any such employee, he shall be paid in addition at least, one-eighth of his daily compensation. Any person or persons, company or corporation, who shall violate any of the provisions of this section, shall, on conviction, be fined in the sum not less than one hundred dollars, and such fine shall be recovered by an action in the name of the state of New York, for the use of the state, which shall sue for it against such person, corporation or association violating this act, said suit to be instituted in any court in this state having appropriate jurisdiction. Such fine, when recovered as aforesaid, shall be paid without any deduction whatever, one-half thereof to the informer, and the balance thereof to be paid into the free school fund of the state of New York. The provisions of this act shall not apply to any part of a railroad where not more than eight regular passenger trains in twenty-four hours pass each way; provided, moreover, that where twenty freight trains pass each way generally in each twenty-four hours then the provisions of this act shall apply, notwithstanding that there may pass a less number of passenger trains than hereinbefore set forth, namely eight.

§ 2. This act shall take effect October first, nineteen hundred and seven.

HOURS AND WAGES OF PUBLIC EMPLOYEES.

Senate Bill No. 1606. Introduced (A. 1447) by Mr. Hoey:

AN ACT to amend the Greater New York charter, relative to vacations of employees whose compensation is fixed by the day or hour.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title three of chapter twenty-three of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by adding thereto a new section to be section fifteen hundred and sixty-seven thereof, to read as follows:

§ 1567. **Vacation of per diem employees.**—Every employee of the city of New York, or of any department or bureau thereof, or of the department of education, who shall have been in the service of said city or of the various departments thereof for a period of one year or more, and the compensation for whose services is fixed by the day or hour, and who shall have been employed for at least upwards of two hundred days in any year, shall be entitled to a vacation of not less than ten days in each year at such time as the head of the department or any officer having supervision over said employee may fix, and for such time they shall be allowed the same compensation as if actually employed.

§ 2. This act shall take effect immediately.

Senate Bill No. 1614. Introduced (A. 894) by Mr. Apgar:

AN ACT to amend sections thirty-three and thirty-four of title two of chapter three of part four of the revised statutes, relating to state prisons, relative to the salaries of certain officers.

Section 1. Section thirty-three of title two of chapter three of part four of the revised statutes, as amended and revised by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, is hereby amended to read as follows:

§ 33. The physician, clerk and chaplain of each of said prisons shall each receive an annual salary of two thousand *one hundred and sixty* dollars; *the assistant physician at Clinton prison shall receive an annual salary of one thousand six hundred and twenty* dollars; each assistant clerk of said prisons shall receive such annual salary as shall be fixed by the comptroller, not exceeding one thousand [five] *six hundred and twenty* dollars. They shall keep their offices at their respective prisons, and they shall be furnished with fuel and lights for their offices.

§ 2. Section thirty-four of title two of chapter three of part four of the revised statutes, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, as amended by chapter seven hundred and thirty of the laws of eighteen hundred and ninety-five, and by chapter seven hundred and nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 34. The superintendent of state prisons shall, from time to time, prescribe the compensation of the other officers of said prisons, but the compensation so fixed and prescribed for the following officers in each of such prisons shall not in any case exceed the rate of an annual salary as follows: To the principal keeper, two thousand *one hundred and sixty* dollars; to the kitchen-keeper, store-keeper, hall-keeper and yard-keeper, each [twelve] *thirteen* hundred dollars; to the sergeant of guard, [nine] *one thousand* dollars; to the state detective at Sing Sing prison [eighteen] *one thousand nine hundred and forty* dollars. The position of keeper in the several state prisons is hereby abolished and officers heretofore designated as keepers shall hereafter be classified as guards. The several guards shall be paid only for services actually rendered, and their annual compensation shall be subject to pro rata deduction for time not served. The compensation of guards [hereafter appointed] shall be as follows: For the first year's service, [six] *seven* hundred and [sixty] *forty* dollars; for the second year's service, [seven] *eight* hundred and [forty] *thirty* dollars; for the third year's service, [eight] *nine* hundred and twenty dollars; for the fourth year's service, and thereafter, [nine] *one thousand* [hundred] dollars. [The annual compensation of guards in service at the time this act takes effect shall be, for services hereafter rendered, as follows: To those serving their first year as prison officers, seven hundred and eighty dollars; to those serving their second year as prison officers, eight hundred and twenty dollars; to those serving their third year as prison officers, eight hundred and sixty dollars; to those who have served three or more years as prison officers, nine hundred dollars.]

§ 3. This act shall take effect October first, nineteen hundred and seven.

Senate Bill No. 1023. Introduced (No. 338) by Mr. Wilcox:

AN ACT amending section six of chapter three hundred and six of the laws of eighteen hundred and ninety-three, entitled "An act to establish a state prison for women," relative to salaries of guards and assistant matrons.

Section 1. Section six of chapter three hundred and six of the laws of eighteen hundred and ninety-three, entitled "An act to establish a state prison for women," is hereby amended so as to read as follows:

§ 6. Each assistant matron shall board and lodge in the state prison and shall receive as compensation, in addition to such board and lodging, not to exceed the sum of three hundred and sixty dollars per annum. The store-keeper shall receive a salary not to exceed one thousand dollars per annum. [Each guard shall receive a salary not to exceed annually six hundred dollars.] *The compensation of the guards shall be as follows: For the first year's service, six hundred dollars; for the second year's service, seven hundred and twenty dollars; for the third year's service, eight hundred and forty dollars; for the fourth year's service and thereafter, nine hundred dollars. The annual compensation of guards and assistant matrons shall be subject to pro rata deduction for time not served.* Such salaries shall be paid monthly and shall be fixed and rated, from time to time, by the superintendent of state prisons.

§ 3. This act shall take effect October first, nineteen hundred and seven.

BENEFICIARY FUNDS.

Senate Bill No. 1322. Introduced (No. 983) by Mr. Hill:

AN ACT to amend the insurance law, relating to permitting the incorporation of beneficiary societies, orders or associations of persons in the service of the same employer, for the purpose of furnishing relief to members in case of sickness, disability or death.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," is hereby amended by adding thereto a new article, to be article twelve, consisting of twelve sections, to be sections three hundred and seventy to three hundred and eighty-one, both inclusive, to read as follows:

ARTICLE XII.

§ 370. **Incorporation.**—Nine or more persons in the service of the same employer within this state may become an incorporated beneficiary society, order or association, for relief, by insurance upon the mutual or assessment plan, of members or beneficiaries, in case of sickness or death or disability because of injuries sustained by accident to such members, by filing in the office of the superintendent of insurance, and also in the office of the county clerk of the county wherein is located the principal or head office of such corporation, a declaration, executed and acknowledged by each of them, stating their intention to form an employees' beneficiary society, order or association, for the purposes above named; the name of the proposed society, order or association, the mode in which its corporate powers are to be exercised, the name and official title of the officers, trustees, directors, representatives or other persons, by whatsoever name or title designated, who are to have and

exercise the general control and management of its affairs and fund; also stating the manner of their election, after the first year, such trustees, directors or representatives for the first year of the existence of such corporation to be named in said declaration. There shall be endorsed upon such declaration, or annexed thereto and forming a part thereof, the sworn statement of at least three of the subscribers thereto that at least fifty members have in good faith made application in writing for membership. If all the requirements of law have been complied with, the superintendent shall thereupon file such declaration and cause it to be recorded with the certificate of the attorney-general, in a book to be kept for that purpose, and shall deliver to such society, order or association a certified copy of the papers so recorded in his office, together with a license or certificate of the superintendent to such society, order or association to carry on the work of an employees' beneficiary society, order or association, as proposed in the declaration. Any such society, order or association shall not transact the business of insurance in this state until at least fifty persons have subscribed in writing to be beneficiary members thereof, and have each paid in one full assessment in cash, such assessment to be the minimum assessment fixed by the by-laws of such corporation, or the minimum assessment fixed by the by-laws for each class to which such subscribing members respectively belong, if under said by-laws there shall be more than one class of members.

§ 371. **Constitution and by-laws.**—Members of any employees' beneficiary society formed under this act shall have the power to make such constitution and by-laws, not inconsistent with law, as may be necessary for the government of its officers and the conduct of its affairs, and to alter and amend the same, when necessary, as provided for the amendment of by-laws in section two hundred and nine of the insurance law. When so made, altered or amended, they shall be the law governing such society, order or association, and its officers and the members in their relations to such officers, society, order or association, in all their acts, and they and their successors may have a common seal and may change and alter the same.

§ 372. **Benefits.**—Any such employees' beneficiary society, order or association may make such terms or agreement with its members for the payment of benefits to a member, or others dependent upon him, or a beneficiary designated by him, in case of sickness, disability or death, as may be provided for by the constitution, laws, rules and regulations of such society, order or association, subject to the compliance therewith by the members. It shall not issue any certificate, or make any terms or agreement, express or implied, for the payment of any greater sum of money than one assessment upon all its members will realize at the time of issuing such certificate or the making of such terms or agreement; nor shall any death benefit exceed the sum of five hundred dollars, nor any disability benefit or payment the sum of twenty dollars weekly or a period not exceeding fifty-two weeks.

§ 373. **Revenue.**—Any such employees' society, order or association may derive such money or benefit, charity, relief or aid fund from voluntary donations or from admission fees, dues or assessments collected or to be collected from members thereof in manner and form as may be provided by its constitution, rules, laws and regulations. It shall not, nor shall any officer thereof, use any money collected or received for the payment of beneficiary claims for any other purpose.

§ 374. **Dues and assessments.**—The members of such employees' beneficiary society, order or association shall pay such fees, dues and assessments as may be required by the by-laws.

§ 375. **Expense.**—The actual expenses of management of any corporation to which this act is applicable shall not exceed, in any one year, more than twenty-five per centum of the cash income actually received by it from fees, dues, assessments and donations.

§ 376. **Rights of members.**—Membership in any such society, order or association shall give to the member the right at any time, upon consent of such society, order or association, in a manner and form prescribed by its by-laws, to make a change in its payee or payees, beneficiary or beneficiaries, without requiring the consent of such payee or beneficiaries.

§ 377. **Exemptions.**—All money or other benefit, charity, relief or aid to be paid, provided or rendered by any such society, order or association incorporated under this act, shall be exempt from execution, and shall not be liable to be seized, taken or appropriated either before or after the same shall have been paid, provided or rendered, by any legal or equitable process, to pay any debt or liability of a member, or the beneficiary or beneficiaries of a member.

§ 378. **Notice of assessment.**—Upon the admission of any member to membership in such society, order or association, there shall be issued to him a certificate of membership, which, upon the face thereof, among other things, shall state the time and amount of each assessment, and of dues thereafter to be paid by such member (except extra assessments) and no other notice of the time of payment or the amount of such assessment (except extra assessments) shall be required to be given.

§ 379. **Application of article.**—This article shall not apply to any corporation, society, order or association carrying on the business of life, health, casualty or accident insurance for profit or gain.

§ 380. **Qualifications for membership.**—No person shall be eligible for membership in or to any society, order or association incorporated under this article, unless he or she shall be at the time of admission to membership in the employ of the person or persons, firm or corporation (or their successors in business) in whose services the incorporators of such society, order or association were employed at the time of filing the declaration provided for in section three hundred and seventy of this article.

§ 381. **Report.**—No society, order or association incorporated under this article shall be required to file any statement or report of its condition or affairs in the office of the superintendent of insurance; or elsewhere, except and provided always, however, that upon the request or complaint of any member of such society, order or association, the superintendent of insurance may require a full and complete statement of the affairs and condition of such society, order or association to be made and filed in his office within a reasonable time following the request therefor from said superintendent, and may, at his election, upon the receipt of such statement, or report, or upon the failure within such reasonable time, of such society, order or association to make and file such statement or report in the office of said superintendent, examine the books, vouchers, records, writings and documents of any such society, order or association, for the purpose of verifying any such report or statement, or ascertaining the true condition of any such society, order or association, and for the purposes thereof the books, vouchers, records, writings

and documents shall be placed at the disposal of the superintendent of insurance, at the head or principal office of such society, order or association, at such reasonable times during business hours as the superintendent of insurance may designate and require. During such examination, or thereafter, at the said office of the society, order or association, the superintendent of insurance, or his deputies, may examine under oath any of the employees, officers, directors or members of such society, order or association, touching and concerning the matters and things disclosed and contained in such statement or report, or in the examination or investigation made by the superintendent of insurance, and touching and relating to such books, vouchers, records, writings and documents, and may administer oaths to the persons to be examined in the manner and form that oaths or affirmations are required by law to be administered in courts of justice in this state. The actual expenses of such examination shall be borne and paid for by said society, order or association.

APPOINTMENT OF SPECIAL OFFICERS.

Senate Bill No. 1172. Introduced (No. 821) by Mr. McManus:

AN ACT to amend the penal code, relative to appointment of special officers.

§ 119. Making arrests, et cetera, without lawful authority.—No sheriff of a county, mayor of a city, or officials, or other person authorized by law to appoint special deputy sheriffs, special constables, marshals, policemen, or other peace officers in this state, to preserve the public peace or quell public disturbance, shall hereafter, at the instance of any agent, society, association or corporation, or otherwise, appoint as such special deputy, special constable, marshal, policemen, or other peace officer, any person who shall not be a citizen of the United States and a resident of the state of New York, and entitled to vote therein at the time of his appointment, and a [resident of] *citizen entitled to vote* in the same county as the mayor or sheriff or other official making such appointment; and no person shall assume or exercise the functions, powers, duties or privileges incident and belonging to the office of special deputy sheriff, special constables, marshals or policemen, or other peace officer, without having first received his appointment in writing from the authority lawfully appointing him. Any person or persons who shall, in this state, without due authority, exercise, or attempt to exercise the functions of, or hold himself out to any one as a deputy sheriff, marshal, or policeman, constable or peace officer, or any public officer, or person pretending to be a public officer, who, unlawfully, under the pretense or color of any process, arrests any person or detains him against his will, or seizes or levies upon any property, or dispossess any one of any lands or tenements without a regular process therefor, or any person who knowingly violates any other provisions of this section, is guilty of a misdemeanor. But nothing herein contained shall be deemed to affect, repeal or abridge the powers authorized to be exercised under sections one hundred and two, one hundred and four, one hundred and sixty-nine, one hundred and eighty-three, eight hundred and ninety-five, eight hundred and ninety-six and eight hundred and ninety-seven of the code of criminal procedure; or under chapter three hundred and forty-six of the laws of eighteen hundred and sixty-three, as amended by chapter two hundred and fifty-nine of the laws of eighteen hundred and sixty-six, and chapter one hundred and ninety-three of the laws of eighteen hundred and

seventy-five; or under chapter two hundred and twenty-three of the laws of eighteen hundred and eighty; or under chapter five hundred and twenty-seven of the laws of eighteen hundred and seventy-three; or under chapter two hundred and five of the laws of eighteen hundred and seventy-five; but all places kept for summer resorts and the grounds of racing associations in the counties of New York, Kings, Queens, Nassau and Westchester, are hereby exempted from the provisions of this act.

§ 2. This act shall take effect September first, nineteen hundred and seven.

INDUSTRIAL HYGIENE.

The "Dangerous Trades" in England.

The effect of occupation on health is a subject that engaged the attention of individual inquirers many years ago,* but until quite recently has not enlisted the interest of the general public. In various European countries the more dangerous or injurious trades have been defined and subjected to special regulations in the interest of the health of operatives; from such investigation we have official knowledge of at least the worst forms of industrial poisoning, as illustrated in the following English statistics regarding poisoning from lead, mercury, arsenic and phosphorus:

(From the Board of Trade Labor Gazette, March, 1907.)

INDUSTRY.	CASES.					DEATHS.				
	1902	1903	1904	1905	1906	1902	1903	1904	1905	1906
LEAD POISONING.										
Smelting of metals.....	28	37	33	24	38	.....	2	1	1	1
Sheet lead and lead piping.....	12	11	7	9	7	.....	.....	.....	.....	.....
Printing.....	19	13	15	19	16	.....	2	.....	4	2
File cutting.....	27	24	20	12	15	1	2	4	.....	.....
Tinning and enameling of iron hollow ware.....	11	14	10	14	18	.....	.....	.....	1	1
White lead works.....	143	109	116	90	108	1	2	2	1	7
Red and yellow lead works.....	13	6	11	10	6	.....	.....	.....	.....	.....
China and earthenware.....	87	97	106	84	107	4	3	4	3	4
Litho transfer works.....	2	3	3	5	5	.....	.....	.....	.....	.....
Glass cutting and polishing.....	8	4	.....	3	4	2	.....	.....	.....	1
Enameling of iron plates.....	3	4	3	2	4	1	.....	.....	.....	.....
Electrical accumulator works.....	16	28	33	27	26	1	.....	.....	1	.....
Paints and colors.....	46	39	32	57	37	.....	1	1	1	.....
Coach making.....	63	74	49	56	85	1	5	4	3	7
Shipbuilding.....	15	24	48	32	26	1	1	.....	2	1
Paint used in other industries.....	44	46	27	49	37	1	1	3	2	3
Other industries.....	92	81	84	99	93	1	.....	7	4	6
Total—Lead poisoning*.....	629	614	597	592	632	14	19	26	23	33
House painting and plumbing†.....	179	201	227	163	181	32	39	39	28	36
MERCURIAL POISONING.										
Barometer and thermometer making.....	1	3	1	1	1	.....	.....	.....	.....	.....
Furriers' processes.....	2	1	.....	3	.....	.....	.....	.....	.....	.....
Other industries.....	5	4	2	4	3	.....	.....	.....	.....	.....
Total.....	8	8	3	8	4	.....	.....	.....	.....	.....
PHOSPHORUS POISONING.										
Lucifer match works.....	1	.....	1	3	.....	2	.....	1	1	.....
Other industries.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	1	.....	1	3	.....	2	.....	1	1	.....
ARSENIC POISONING.										
Paints, colors and extraction of arsenic.....	5	3	3	.....	2	.....	.....	.....	.....	.....
Other industries.....	.....	2	2	1	3	.....	.....	.....	.....	.....
Total.....	5	5	5	1	5	.....	.....	.....	.....	.....
ANTHRAX.										
Wool sorting.....	3	5	2	4	1	1	1	.....	2	.....
Wool combing.....	9	15	10	30	23	1	4	1	10	8
Handling of horse hair.....	10	7	12	7	10	2	1	.....	1	4
Handling and sorting of hides and skins (tanners, fellmongers, etc.).....	11	12	18	17	19	5	1	3	4	7
Other industries.....	5	8	8	1	14	.....	5	2	1	3
Total—Anthrax.....	38	47	50	95	67	9	12	10	18	22

*Reportable under Factory and Workshop Act.

†Not reportable under Factory and Workshop Act.

It appears that among the diseases contracted by workpeople in factories and workshops, lead poisoning is the one most frequently reported. During the year 1906 the number of cases of lead poisoning, which since 1901 had steadily declined, rose to 632, and the percentage of deaths to cases rose from 3.9 to 5.2. In addition to the cases of lead poisoning contracted in factories and workshops 181 cases of lead poisoning affecting house painters and plumbers were reported in 1906; the number of deaths was 36, a higher number than in 1905, but a lower one than in 1903 and 1904. Taking the period 1902-1906, the ratio of deaths in which lead-poisoning was entered as directly or indirectly the cause, to cases (omitting the glass-cutting and polishing industry, which reported 3 deaths in 19 cases), was highest in the printing trade, where it was 9.8 per cent, followed by file-cutting, with 7.1 per cent, and carriage making, with 6.1 per cent. In white lead works, from which the largest number of cases was reported, the percentage of deaths was 2.3 only; for all industries together the percentage was 3.8.

The five industrial diseases specified in the foregoing statistics have been classed with accidental injuries in the new Workmen's Compensation act, which was reproduced in its entirety in the March BULLETIN. Section 8, subd. 6, of that act, also empowered the Secretary of State to make orders for extending the provisions of the act to other diseases and processes and to injuries due to the nature of any specified employment not being injuries by accident. Under this authority the Home Secretary appointed a departmental committee of inquiry which has recently completed its investigations, and recommended eighteen additional diseases for inclusion in the act.

The distinction between "accidents" and "diseases" adopted by the Committee was that accidents are momentary occurrences, while diseases are gradually contracted, and this led to the exclusion of hydrocyanic acid gas poisoning. The provision of the act that compensation shall not be given for any incapacitation which lasts less than a week led to the exclusion of "brass molders' ague," "boiler makers' deafness," etc. The restriction that the disease

* In 1832 C. T. Thackrah published in London the second edition of his work on "The Effects of Arts, Trade and Profession....on Health and Longevity." The latest and most authoritative treatment of the subject in English is to be found in "The Dangerous Trades," edited by Thomas Oliver, M. D., London, 1902.

must be specific to a particular trade or occupation caused the exclusion of general diseases like bronchitis, pneumonia, etc., even when they are apparently contracted by wage earners in their work-places.

The diseases or injuries which the Committee recommend to be added to the schedule, with the processes in respect of which such diseases or injuries are to be "deemed to be due to the nature of the employment," are shown in the following table:

Description of Disease or Injury.	Description of process.
1. Poisoning by nitro- and amido-derivatives of benzene (dinitro-benzol, anilin, and others), or its sequelæ.	Any process involving the use of a nitro- or amido-derivative of benzene, or its preparations or compounds.
2. Poisoning by carbon bisulphide or its sequelæ.	Any process involving the use of carbon bisulphide, or its preparations or compounds.
3. Poisoning by nitrous fumes or its sequelæ.	Any process in which nitrous fumes are evolved.
4. Poisoning by nickel carbonyl or its sequelæ.	Any process in which nickel carbonyl gas is evolved.
5. Arsenic poisoning or its sequelæ.	Handling of arsenic or its preparations or compounds.
6. Lead poisoning or its sequelæ.	Handling of lead or its preparations or compounds.
7. Poisoning by <i>Gontoma Kamassi</i> (African boxwood) or its sequelæ.	Any process in the manufacture of articles from <i>Gontoma Kamassi</i> (African boxwood).
8. Chrome ulceration or its sequelæ.	Any process involving the use of chromic acid or bi-chromate of ammonium, potassium, or sodium, or their preparations.
9. Eczematous ulceration of the skin, produced by dust or caustic or corrosive liquids, or ulceration of the mucous membrane of the nose or mouth produced by dust.	—
10. Epithellomatous cancer or ulceration of the skin or of the corneal surface of the eye, due to pitch, tar, or tarry compounds.	Handling or use of pitch, tar, or tarry compounds.
11. Scrotal epithelioma (chimney-sweeps' cancer).	Chimney-sweeping.
12. Nystagmus.	Mining.
13. Glanders.	Care of any equine animal suffering from glanders; handling the carcase of such animal.
14. Compressed air illness or its sequelæ.	Any process carried on in compressed air.
15. Subcutaneous cellulitis of the hand (beat hand).	Mining.
16. Subcutaneous cellulitis over the patella (miners' beat knee).	Mining.
17. Acute bursitis over the elbow (miners' beat elbow).	Mining.
18. Inflammation of the synovial lining of the wrist joint and tendon sheaths.	Mining.

According to the *Labor Gazette*, June, 1907, the Home Secretary on May 22d issued an order extending the Compensation Act to the above-mentioned diseases and injuries.

Under a provision of the factory act, the Home Secretary has prescribed special rules or regulations for the following industries or processes:

I. CHEMICAL WORKS.

General.

Paints and Colors (including arsenic extraction).

Lead Compounds.

White Lead.

Yellow Chromate Lead.

Red and Orange Lead.

Potassium and Sodium Compounds.

II. SMELTING AND CASTING.

Lead Smelting.

Mixing and Casting Brass, Gun Metal, Bell Metal, White Metal.

Delta Metal, Phosphor Bronze, and Manilla Mixture.

III. TEXTILES.

Wool, Goat Hair, and Camel Hair, sorting, washing, and combing and carding.

Flax and Tow, spinning and weaving.

Spinning, use of self-acting mules.

Felt Hats.

IV. MANUFACTURING PLANTS.

Earthenware and China.

Metal Ware and Cooking Utensils (where lead or arsenic is used in tinning and enamelling).

Explosives (Di-Nitro-Benzole).

Lucifer Matches.

Electric Accumulators.

File Cutting by hand.

V. SPECIAL PROCESSES OR OPERATIONS.

India Rubber, vulcanizing.

Aerated Water, bottling.

Hides and Skins, handling when dry and dry salted.

Locomotives and Other Rolling Stock, on Factory Sidings.

Wharves, loading and unloading at or upon.

The Health of Printers.

The statistics of the British factory inspectors concerning cases of industrial poisoning undoubtedly point out the industries that breed the most distinct diseases of occupation, but outside of these conspicuously dangerous trades there are many industrial processes that are attended with serious risks to the health of the workers. The largest class of such occupations is probably the dust-producing group including metal workers, potters and stone workers, textile workers, etc., and in addition to these, many indoor occupations not necessarily unhealthy are as a matter of fact made so by neglect of suitable methods of ventilation, etc. Among such occupations that of the printer occupies a prominent position.

The science and art of vital statistics are still in their infancy in this country and it is impossible to derive from the census reports, the principal source of information, the knowledge of occupational mortality that is required for a well-considered policy of safeguarding the health of wage earners. In the case of the printers, for example, the Census Report (Twelfth Census, 1900, Vol. III, p. cclxxxiii) does indeed call attention to the unusual prevalence of consumption in the trade, which has a death rate (435.9 per 100,000) from this cause nearly twice as high as the average for all occupied males (236.7); but the Report credits the printing trade with a general death rate that is very low in comparison with other occupations. For all occupied males it reported a death-rate of 15 per 1,000; for compositors, printers and pressmen, 12.1 per 1,000; for farmers, planters and farm laborers 17.6 per 1,000, whence it would appear that the occupation of the printer is vastly more healthy than that of the farmer. Nothing could be further from the truth, the relatively high death rate of farmers being in fact due to the actual longevity of farmers. An analysis of the mortality statistics by age will reveal the fallacy of the general death rate as a basis for comparing the healthfulness of various occupations:

MORTALITY (DEATHS TO 1,000 LIVING)—

AGES.	Farmers.	Printers.	Mortality of printers to that of farmers, the latter taken as 100.
15-24 years.....	3.7	5.0	135
25-44 years.....	4.6	12.3	267
45-64 years.....	13.2	20.0	151
65 years and over.....	96.8	108.8	112
Proportion of population aged 65 years and upwards.....	11.5	1.5	....

At every age the mortality of printers considerably exceeds that among farmers and during the most active years of life (25-44 years) it is two and a half times as great, thus reversing the conclusion derived from the general death rate. An explanation is to be found in the last line of the table which shows that one of every ten farmers is more than 65 years old, whereas only one in a hundred belongs to this group among the printers; and in this group of persons the relative number of deaths is of course very large in comparison with the ages 15-44, when few deaths occur in any

normal population. It is for this reason that mortality in an unsanitary army camp may be scandalously excessive, while its general death-rate remains below that of a healthy community which has its due proportion of infants and aged people.

The importance of age-grouping as an influence upon the death-rate is recognized in the English vital statistics, which constitute the most authoritative body of information in existence respecting occupational mortality. The decennial supplement to the reports of the Registrar-General of England furnish a comparative mortality figure for every important occupation pursued by males, which is so calculated as to remove the difference as to age in the different trades and professions. Taking the mortality figure for all males as the standard of comparison (1,000), it is found that the greatest mortality exists among dock laborers (1,829) and the slightest among clergymen (533). The mortality figure for agriculturists (602) may be regarded as the normal rate in work pursued under healthful conditions. Compared with this rate, the mortality figure for printers (1,096) is abnormal; while mortality from diseases of the lungs is particularly excessive among printers, being 540 as against 221 among agriculturists, and from consumption alone printers sustain a mortality three times as great as that which prevails among the agricultural class.

Writing in 1881 of the sanitary condition of bookbinders and printers, Dr. Ogle speaks of both of them in common as "carrying on their industries under notoriously unhealthy conditions, in ill-ventilated rooms, and in an atmosphere unduly heated by engines, stoves, and flaring gas-lights." The decline in the death rates, as compared with the earlier records, he attributes to the improvements effected by the factory inspectors since these trades came under their supervision. Further on he writes, with respect to their mortality: "Excepting costermongers * * * and those industries in which the workman is exposed to the inhalation of dusts, such as file makers, potters, and Cornish miners, there is no industry in the table in which the mortality from phthisis approaches to that of printers." Writing in 1901, Dr. Tatham, the present Registrar-General, notes a still further improvement in the printing trade by reason of the supervision of the factory inspectors, although the mortality from tuberculosis of the lungs, as previously noted, remains excessive.

The introduction of type casting machines in connection with machine composition has added to the disagreeable surroundings of the printer the offensive fumes of the molten lead, and the factory inspectors of this state have from time to time been called upon to investigate complaints of inadequate ventilation, etc.; it may be noted, parenthetically, that as a result of an inspection of a certain metropolitan printing office last year, several wagon loads of accumulated refuse and material were carted away. The close connection between shop sanitation and health is revealed by some statistics of mutual benefit associations in the printers' trade collected by Statistician George A. Stevens for a special report on the "Health of Printers," which he has contributed to the Twenty-fourth Annual Report of the Bureau of Labor Statistics, now in press. The following table presents the principal results for ten societies, connected with as many different establishments, for the five-year period 1901-5:

SANITARY CONDITION IN EACH ESTABLISHMENT.	Average membership of benefit society.	Average number of cases of disability.	Percentage of disability cases.	Average period of disability per member per annum.
A. Very unclean; melting pots unpiped.....	240	36	14.9	4.6 days
B. Clean; best of ventilation.....	170	16	9.9	†4.9 "
C. Clean; melting pots-unpiped....	141	22	15.9	4.3 "
D. *Bad shop conditions.....	142	22	15.8	5.4 "
E. Good shop conditions.....	71	4	6.2	1.3 "
F. Good shop conditions; no machines.....	69	6	9.0	3.9 "
G. Melting pots unpiped.....	49	10	20.1	4.9 "
H. High ceiling and good ventilation.....	45	5	12.1	5.7 "
I. Large room; melting pots unpiped.....	36	3	9.6	3.6 "
J.	31	6	19.4	5.7 "
All societies.....	994	132	13.3	4.5 days

The average membership of the ten societies ranged from 31 to 240 and the number of cases of disability involving the payment of benefits varied from 3 to 36 a year. The ratio of disability cases to membership varied from 6.2 per cent to 20.1 per cent, with an average of 13.3 per cent. Benefits are paid for disablement from accidents as well as sickness and in one or two of the establishments with good sanitation there were numerous minor injuries which led to the payment of benefits. The average duration of disability was 4½ days per annum for each member.

*Members mainly bookbinders (women).

†Many accidents.

It is interesting to compare these results with those of a similar investigation in Copenhagen, which appear as a supplement to the report of the factory inspectors of Denmark for the year 1905-6.

NEW YORK CITY.	Average membership.	Cases of disability.	Percentage of cases.	Total days.	Duration of disability per case.
1901.....	887	114	12.9	3,118	3.5
1902.....	944	106	11.2	3,152	3.3
1903.....	1,003	141	14.0	4,703	4.7
1904.....	1,058	141	13.3	4,216	4.0
1905.....	1,068	159	14.9	7,199	6.7
Yearly average.....	992	132	13.3	4,478	4.5
COPENHAGEN, 1899-1905.....	1,294	.....	18.0	.....	7.2-8.1

It appears from the foregoing figures that there is less sickness among the printers of New York than among those of Copenhagen, particularly as the latter's percentage of disability appears to express the proportion of members that received sick benefits, whereas the New York ratio refers to the number of cases and thus counts many individuals more than once (beneficiaries 502, cases of disability 661). Of the total duration of disability in New York (22,388 days), about 13 per cent (2,915 days) is attributable to tuberculosis, while in Copenhagen the proportion is said to be about one-fifth. In one respect, however, the New York experience is less favorable than the Danish; the annual death-rate being 9.1 per 1,000 members as against 6.8 per 1,000 in Copenhagen.

The New York Bureau in its report presents the mortality experience of the Typographical Union as well as the morbidity statistics of the ten local beneficiary societies:

MORTALITY EXPERIENCE OF TYPOGRAPHICAL UNION, 1905.

	Members (average).	DEATHS.		Mean death rate, 1901-5.
		Number.	Per 1,000 Members.	
New York City.....	6,733	114	16.93	16.32
New York State, exclusive of the city.....	2,589	25	9.66	11.14
Chicago.....	3,330	30	9.01	10.12
Philadelphia.....	1,107	14	12.65	12.35
All other United States.....	30,856	346	11.21	12.20
Total, United States.....	44,615	529	11.86	12.63
London, Eng.....	11,383	151	13.27	12.19

The death-rate among the printers of London is about the same as that of the entire United States, which is also the rate in Philadelphia. The Chicago death-rate is lower while that of New York is much higher. More accurate is the death-rate for each age-period, thus:

DEATHS PER 1,000 MEMBERS OF EACH SPECIFIED AGE-PERIOD, 1901-5.

	New York City.	Other New York.	Chicago.	Phila- delphia.	London
20-29 years.....	8.5	16.0	11.2	8.6	7.4
30-39 "	24.4	27.2	25.5	17.1	22.3
40-49 "	30.1	18.4	28.7	18.6	22.4
50-59 "	17.9	15.2	17.0	10.0	19.8
60 years and upward..	19.1	23.2	17.6	45.7	28.1

In the foregoing table, the comparison does not put New York City in so bad a light. Between the ages of 20 and 29 years, the metropolitan printers have a lower mortality than those of Philadelphia and Chicago, while between the ages of 30 and 40, the New York and Chicago rates are nearly equal. Over 50 years of age the New York rate is below that of London. But in the prime of life (40-50 years) the mortality of New York printers is abnormally high and is due to the prevalence of consumption and other diseases of the respiratory system, thus:

MEAN DEATH RATE, 1901-5, FROM—

	Consumption.	Pneumonia.	All diseases of respiratory system.
Adult population (20 years and upward):			
London (registration).....	3.22	.....	.....
New York City.....	2.29	.....	.....
Compositors in—			
New York City.....	3.82	2.42	7.17
Other New York.....	2.54	0.97	4.04
Chicago.....	2.42	1.57	4.11
Philadelphia.....	3.65	0.70	5.04
Other U. S.....	3.38	1.07	4.70
London.....	3.69	0.67	5.50

While in the whole adult population the mortality from consumption is higher in London than in New York, the reverse is true of compositors. Even more striking is the high mortality of New York compositors from pneumonia and other diseases of the respiratory system, which is largely caused by defective ventilation and poor sanitation. Mr. Stevens declares that—

"If composing rooms were well-ventilated, if the floors were frequently scrubbed with hot soapy water, if the windows were periodically cleaned, if the walls and ceilings were annually washed or freshened with paint or lime-

wash, and lastly, but vitally important, if linotype machines were piped so that the noxious fumes could be drawn by a blower system from the melting pots and discharged in the outer air, the health of printers would show immediate improvement and the death rate among them from tuberculosis and other diseases would be materially lessened. While the Labor Law contains a section in regard to ventilation its terms are not broad enough, no provision being made in the statute covering the emission of injurious gases or vapors in work rooms. The law should be amended so as to provide for the suitable disposal of fumes emitted from the metal pots attached to linotype or other type-casting machines in all printing establishments, thereby obviating unnecessary danger or detriment to the life or health of any compositor or other employee who is obliged to work in a room in which such machines are installed.*

"The British Factory and Workshop Act stipulates that in every room in a factory or workshop sufficient means of ventilation shall be provided and sufficient ventilation shall be maintained. Every shop 'must be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.' The act also provides that every factory must be kept in a cleanly state and free from effluvia. It further requires that 'all the inside walls of the rooms of a factory and all the ceilings or tops of those rooms (whether those walls, ceilings or tops are plastered or not), and all the passages and staircases of a factory, if they have not been painted with oil or varnished once at least within seven years shall be limewashed once at least within every fourteen months, to date from the time when they were last limewashed; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed.' The remodeling of printing houses in London in recent years and the operation of the foregoing factory acts have greatly benefited the health of compositors in that city and have directly caused a gradual reduction of their death rate from pulmonary tuberculosis.

"The Federal Council of the German Empire, cognizant of the unhealthful surroundings in which compositors and other printing-house workmen carried on their employment, put into effect on July 31, 1897, special regulations in letter-press printing works and type foundries, pursuant to section 120-e of the Industrial Code. These rules provide ample light for every part of the work. Windows must be so constructed that they will open sufficiently to admit of a complete renewal of air at least once a day, and during working hours means are taken to secure constant ventilation. Moreover, vessels containing molten type metal must be covered with hoods provided with exhaust ventilation to draw the fumes to the outer air. The printer is, therefore, enabled to breathe pure air while employed. Cellar shops are practically forbidden, for the rules provide that the floor of a workroom can not be depressed more than 1.64 feet below a street surface, unless hygienic conditions are secured by a dry area and the room is amply lighted and ventilated, in which event the higher administrative authority may grant an exception. In composing rooms the air space allowed to each person is 423.79 cubic feet. The regulations in

*By chapter 490 of the laws of 1907 (see page 225 ante), the statute has been changed so as to authorize the factory inspector to require proper ventilation and to order the removal of noxious gases, etc.

regard to cleansing work places are very explicit. They state that floors must be impervious so that they can be cleaned of dust daily by moist methods. Compositors' stands for type cases 'must be either closely ranged round the room on the floor so that no dust can collect underneath, or be fitted with long legs so that the floor can be easily cleaned of dust underneath.' Type boxes have to be dusted out with bellows not less than twice annually out-of-doors. Walls and ceilings must be either washed with water, painted or lime-washed at least once a year, while rooms and fittings are required to be thoroughly cleaned twice yearly. Means of artificial lighting that cause a rise in the temperature of workrooms must be provided with counteracting measures so as to prevent the heat from being unduly raised. Sufficient washing appliances, with soap and at least one towel a week for each worker, are required. Personal hygiene is mandatory, the employer being compelled to make strict provision for the use of the washing appliances by workers before every meal and before leaving work.' Expectorating upon the floor of a composing room is an offense against the law, and one cuspidor filled with water is provided for the use of every five workmen. The good effect of this salutary measure is mirrored in the 1905 mortality statistics furnished to the writer by the National Organization of Printers of Germany. The average membership of the union in that year was 44,236, of whom 283, or 6.40 per 1,000 died from all causes, while 134 of the total were affected with diseases of the respiratory system, from which the death rate was 3.03, tuberculosis not being separated in the tabular presentation. Both ratios were exceedingly small when contrasted with the mortality proportions among printers in this country, and clearly show the excellent results that accrue from improved sanitation in workrooms.

"Aside from the vague provision relating to ventilation,* the requirements as to the amount of cubic air space that shall be allotted to each worker, suitable toilet conveniences, and the lime-washing or painting of walls and ceilings when in the judgment of an inspector it will be conducive to the health of work people, the Labor Law of this state is sadly deficient with respect to the thorough cleansing and purification of factory workrooms, their furnishings and equipment. Enactments regarding sanitation similar to those of Germany and Great Britain would be welcome here. They would guarantee a longer and happier life for the artisan by preventing physical deterioration, and by thus preserving the full bodily health of the individual worker not only would the community economize in its expenditures for hospital service, but productivity and the consuming power would be so largely augmented that every factory proprietor would be certain to reap an increased return from his investment. So also would the general public be benefited, for, to Anglicize a Latin maxim, 'the health of the citizen is the wealth of the state.'"

* Since this was written, the Legislature amended the law (Chapter 490 of the Laws of 1907 reprinted elsewhere in this issue), in accordance with the recommendations of the Commissioner of Labor, so as to ensure a supply of pure air to factory employees.

RECENT LABOR REPORTS.

UNITED STATES.

Bulletin of the Bureau of Labor, No. 68, January, 1907, 243 pages.
No. 69, March, 234 pages.

Contents of No. 68: Free public employment offices in the United States, by J. E. Conner, pages 1-115; Laws of foreign countries relating to employees on railroads, by Lindley D. Clark, pages 116-138; digest of recent reports of state bureau of labor statistics, pages 139-152; digest of recent foreign statistical publications, pages 153-172; opinions of the attorney-general and decisions of courts affecting labor, pages 173-228; laws of various states relating to labor, enacted since January 1, 1904, pages 229-238.

Bulletin No. 69 contains the annual report on wholesale prices (1890-1906) pages 239-420, and the usual digests, etc.

IDAHO.

The State of Idaho: [third biennial] official report of the bureau of immigration, labor and statistics, 1905-6. Allen Miller, commissioner. Boise, 1907. 211 pages, map and illustrations.

Contents: Chapter I, historical sketch, pages 7-15; chapter II, topography, pages, 16-18; chapter III, climate, pages 19-25; chapter IV, resources, pages 26-50; chapter V, industries, pages 51-80; chapter VI, manner of acquiring title to lands, pages, 81-106; chapter VII, Labor Unions, pages 109-112; chapter VIII, education, pages 113-139; chapter IX, state, county and precinct government, pages 140-146; chapter X, state institutions, pages 147-152; chapter XI, railroads, telegraphs, telephones and steamboats, pages 154-158; chapter XII, counties of the state, pages 159-201; chapter XIII, progress of Idaho, pages 202-211.

MARYLAND.

Fifteenth annual report of the bureau of statistics and information of Maryland, 1906. Charles J. Fox, chief. Baltimore, 1907, 214 pages, map and tables.

Contents: Enforcement of the child labor law, pages 11-46; inspection of clothing and other manufactures, pages 47-693; strikes and lockouts, including activity of bureau in arbitrating disputes, pages 70-124; the free employment agency, pages 125-132; the cost of living, pages 133-152; labor organizations, pages 153-163; farm products, pages 164-166; new incorporations, pages 167-191; immigration, reports of state departments, conferences and conventions, financial statement, etc., pages 192-214.

MASSACHUSETTS.

Labor bulletin of the commonwealth of Massachusetts; published by the bureau of statistics of labor. Nos. 45-49, (January, February, March April, May).

No. 45 contains articles on income and inheritance taxes (opinions); railroad pensions in the United States and Canada (digest of the 1905 report of M. Riebenack, comptroller of the Pennsylvania Railroad Company; trade union notes; industrial agreements; recent court decisions relating to labor; current

comment on labor questions, excerpts, statistical abstracts and bibliography of magazine articles on labor topics, 1906.

No. 46 contains articles on unemployment in Massachusetts (state census of 1905); operations of the Massachusetts free employment office; insurance against unemployment in foreign countries (digest of the recent report by the Imperial Statistical Bureau of Germany); the metropolitan district (Boston); digest of labor legislation in the United States and Canada 1906; agreements, excerpts, abstracts, etc.

No. 47 contains articles on distributive co-operation in New England; industrial education for shoe workers; technical education in England and the United States (from Shadwell's "Industrial Efficiency"); state free employment office; digest of labor legislation in foreign countries, 1906; current comment, excerpts, abstracts, etc.

No. 48 contains the first article in a series on manufactures in Massachusetts and other states, 1900-05; the German workman, by W. H. Dawson; postal savings banks in foreign countries; the state free employment office; trade union notes, agreements, excerpts, abstracts, etc.

No. 49 contains the second article on manufactures in 1900-05, being comparisons for 300 cities; immigrant aliens destined for Massachusetts, 1897-1906; average retail prices, April 1907; state free employment office; record of strikes and lockouts, fourth quarter, 1906, and summary for year; court decisions, excerpts, abstracts, etc.

MICHIGAN.

Twenty-fourth annual report of the bureau of labor and industrial statistics, including the fourteenth annual report of state inspection of factories. M. J. McLeod, commissioner of labor. Lansing, 1907, pages xv, 535, illustrations.

Contains twenty chapters, in addition to Introduction and Recommendations. The main divisions are as follows: Inspection of factories, stores, hotels, etc., chapters I-X, pages 1-336; statistics of labor unions, pages 339-382; report of state court of mediation and conciliation on labor disturbances in 1906, pages 382-386; free employment bureaus (Detroit and Grand Rapids), pages 387-399; statistics of wages (in factories), pages 400-417; prison statistics, pages 418-435; particular industries in Michigan (beet sugar, cement, brick, tanneries, wire fence), pages 436-491; motive power used in manufacturing, pages 492-500; individual manufacturing concerns, pages 501-517; the coal industry in Michigan, report of inspector of coal mines, pages 518-535.

MISSOURI.

Twenty-eighth annual report of the bureau of labor statistics and inspection of the State of Missouri for the year ending November 5, 1906. William Anderson, commissioner of labor. Jefferson City, pages viii, 572.

Contents: Surplus products and shipments of each county, public lands, etc., pages 1-84; statistics of manufactures 1905, pages 85-499; labor organizations, pages 500-567; free employment department, pages 568-571.

MONTANA.

Tenth report of the bureau of agriculture, labor and industry of the state of Montana, for the year ending November 30, 1906. J. A. Ferguson, commissioner. Helena, 478 pages (illustrated).

Contents: Lands, pages 7-62; irrigation, pages 63-124; agriculture and stock raising, pages 125-200; labor and "freedom of contract," pages 201-207;

child labor, pages 208-210; employers' liability act, 211-213; the eight-hour law, including the decision of the state Supreme Court, December 13, 1906, sustaining the constitutionality of the Montana act, pages 214-226; hours of labor of railway employees, pages 227-229; enforcement of labor laws, wages, etc., pages 230-237; directory of labor organizations, pages 238-242; Butte and Great Falls free employment offices, pages 243-245; mining and manufacturing industries, pages 246-303; miscellaneous social and political statistics, pages 304-468.

NEBRASKA.

Annual bulletin, No. V., of the state bureau of statistics, December, 1906. Burrett Bush, deputy commissioner. Lincoln, 1907, 128 pages.

Part I—Summary of Nebraska counties. Part II—Freight rates and shipments in Nebraska.

OHIO.

Thirtieth annual report of the bureau of labor statistics for the year 1906. M. D. Ratchford, commissioner. Columbus, 1907, 671 pages.

Contents: Part I, laws governing the bureau, recent labor laws and court decisions, pages 13-35; II, statistics of manufactures, pages 37-388; III, coal mining, pages 389-610; IV, prison labor, pages 611-616; V, sweat shops in Cleveland and Cincinnati, pages 617-639; VI, free public employment offices in Ohio, pages 641-663.

OREGON.

Second biennial report of the bureau of labor statistics and inspector of factories and workshops of the state of Oregon, from October 1, 1904 to September 30, 1906. O. P. Hoff, commissioner. Salem, 1907, 229 pages.

Contains statistics of wages and production in manufactures, agriculture, transportation, etc.; population and resources of counties and towns; labor and factory laws and their enforcement; accidents; labor organizations—membership, dues, benefits, wages and hours.

RHODE ISLAND.

Thirteenth annual report of inspections of factories, mercantile establishments and workshops, 1906. J. Ellery Hudson, chief factory inspector. Providence, 131 pages (illustrated).

The following summary is given of the factory inspector's work from the beginning:

YEAR.	Number of places visited.	Number of adults employed.	Number of children employed.	Total number employed.	Percentage of children.
1894.....	294	55,109	5,217	60,326	8.5
1895.....	293	53,523	4,473	57,996	7.7
1896.....	379	50,068	4,065	54,133	7.5
1897.....	355	56,072	4,776	60,858	7.9
1898.....	433	63,259	4,539	67,798	6.5
1899.....	549	72,296	4,666	76,962	6.0
1900.....	595	76,552	5,253	81,805	6.4
1901.....	617	81,496	5,068	86,564	5.8
1902.....	628	86,043	5,477	91,520	6.0
1903.....	644	90,165	6,451	96,616	6.7
1904.....	653	88,545	5,895	94,444	6.2
1905.....	1,508	112,377	6,917	119,294	5.8
1906.....	1,742	123,112	6,932	130,044	5.3

UTAH.

Sixth annual report of the bureau of statistics of the state of Utah for the year 1906. Fred. W. Price, commissioner. Salt Lake City, 1907, 141 pages (paper).

VIRGINIA.

Ninth annual report of the bureau of labor and industrial statistics, for the state of Virginia, 1906. James B. Doherty, commissioner. Richmond, 1907, 318 pages.

Contents: Statistics of production and wages in manufactures, coal mines and railways, pages 7-246; report of the special agent on inspection of factories and child labor, pages 247-251; labor laws of Virginia (pages 252-280).

WASHINGTON.

Fifth biennial report of the bureau of labor statistics and factory inspection, 1905-6. Chas. F. Hubbard, commissioner. Olympia, 1906, 355 pages. Includes also twelfth report of state inspection of coal mines, 72 pages.

Contents: Recommendations to the Legislature, pages 9-24; factory inspection and enforcement of labor laws, pages 25-76; cost of living, pages 77-83; statistics of organized labor, pages 85-105; statistics of wage earners, in commerce, trade, transportation, and agriculture, pages 109-141; convict labor, pages 142-143; free employment offices in Seattle, Spokane and Tacoma, pages 144-162; accidents, pages 163-174; strikes and lockouts, pages 175-206; statistics of manufactures, pages 207-258; capital and labor (opinions), pages 259-289; supreme court decisions, pages 291-309; Washington labor laws, pages 311-355. Coal mine inspector's report, appended, contains statistics of coal production, accidents, wages, etc.

WISCONSIN.

Twelfth biennial report of the bureau of labor and industrial statistics, state of Wisconsin, 1905-6. J. D. Beck, commissioner. Madison, 1906, pages xiv, 1379, map and illustrations.

Contents: Part I. The co-operative store in the United States, by Ira B. Cross, pages 1-70; II. The statistical aspect of the strike, by Grover G. Huebner, pages 71-148 (reaches the conclusion that strikes in the United States are increasing rapidly as respects absolute numbers and slowly as compared with the growth of industry, that the character of the strike is changing, and wages and hours, although still the most important causes, are diminishing in importance while phases of collective bargaining have an increasing importance); III. Liquor traffic in Wisconsin, pages 150-266; IV. The housing problem in Wisconsin, pages 267-354; V. Wisconsin's resources, industries and opportunities, pages 755-878; VI. Manufacturing returns, 1904-5, pages 879-1162; VII. Factory and bakery inspection, pages 1163-1346; free employment offices, pages 1347-1360; chronicle of industrial events, pages 1361-1379. The report lists the following co-operative stores in New York:

NAME AND LOCATION.	Year established.	Capital stock.	Sales.	Expenses.	No. of employees.
Boonville Union, Boonville....	1890	\$5,000	\$12,255 56	\$1,000 00	1
Co-op. Store, Delhi.....					
Deposit Co-op. Co., Deposit....	1894	4,000	26,787 66		4
Mohawk Valley Co-op. Co., Ft. Plain.....					
Grangers' Exchange, Herkimer	1894	4,000	81,102 49	6,396 97	7
Cornell University Co-op. Store, Ithaca.....	1895		50,000 00	6,500 00	6
Jamestown Co-op. S. Co., Jamestown.....	1892	2,464	19,211 02	3,228 97	3
Leyden Union, Leyden.....					
Grangers' Mer. Assn., Little Falls.....					
N. Y. Ind. Co-op. Society, N. Y. City.....	1902	25,000	65,576 72	19,902 03	12
Poland Union Store, Poland.....					
Port Jervis Co-op. Assn., Port Jervis.....	1877	10,000	57,342 90		7
Co-op. Store, Scottville.....					
Syracuse Un. Co-op. St., Syracuse.....					
Leyden Union, Talcottville.....	1899	3,000	13,000 00	1,400 00	2
Leyden Exchange, Talcottville.....					
Totals.....		\$53,464	\$325,276 35	\$38,427 97	42

FOREIGN COUNTRIES.

AUSTRALIA.

First annual report of the director of labor, state labor bureau of New South Wales, for the year ending June 30, 1906. Sydney, 1906, 61 pages, quarto (paper bound).

The Commissioners of Labor of New South Wales have given way to a single Director of Labor, at the head of a bureau, the functions of which remain the same as those of the former commission,—namely the placing of unemployed workmen.

The industrial arbitration reports and records, New South Wales, Vol. V, 1906 (published under the direction of the honorable, the attorney-general.) Edited by G. C. Addison, registrar. In five parts; pages 422, lvi, xxiii (unbound).

AUSTRIA.

Bericht über die tätigkeit des k. k. arbeitsstatistischen amtes im handelsministerium während des jahres 1906. V. Mataja, chief. Vienna, 1907, 29 pages (paper bound).

BELGIUM.

Monographies industrielles: Industries céramiques. Office du travail et inspection de l'industrie. Bruxelles, 1907, pages xvi, 242 (paper), illustrated.

The Belgian Bureau of Labor publishes the fourth volume in its series of monographs on the economic, technical and commercial phases of the manufactures of Belgium. The present number is concerned with the group of manufactures included in the term ceramics.

Statistique des grèves en Belgique, 1901-5. Office du travail, Bruxelles, 1907, pages lx, 247 (paper).

Four years ago the Belgian Bureau of Labor published a report on industrial disputes in the period 1896-1900; in the present volume the record is continued through the years 1901-5.

CANADA.

Wage earners by occupation: Bulletin I of the census and statistics office, Ottawa, 1907, pages xxviii, 105, xxx (paper cover).

Seventh report of the bureau of labor of the province of Ontario for the year ending December, 31, 1906. John Armstrong, secretary. Toronto, 1907, 198 pages.

Contains reports and directory of labor organizations in Ontario, pages 20-62; industrial returns from manufacturers, pages 75-95; the labor laws of Ontario, pages 151-195; and quotations from the labor reports of Canada, Great Britain, Australia, the United States, etc.

GERMANY.

Jahresbericht über die Durchführung des Kinderschutzgesetzes im Jahre, 1906. erstattet von den Grossherzoglich Hessischen Gewerbeinspektionen. Herausgegeben im auftrage des Grossh. Hess. Ministeriums des Innern, Darmstadt, 1907, 95 pages (paper covers).

HUNGARY.

Annuaire statistique hongrois, Nouveau cours XIII (1905). Par ordre de M. le Ministre Royal Hongrois du Commerce, rédigé et publié par l'Office Central de Statistique der Royaume de Hongrie. Budapest, 1907, pages xxx, 523.

Reports of the inspectors of factories and industries, 1905 (In the Magyar language). Budapest, 1906, pages lxxviii, 610 (paper).

Accidents in Hungarian factories, 1900-5 (In the Magyar language). Budapest, 1907, pages 56 (paper).

Dwellings for agricultural laborers. Portfolio of designs, accompanying text in the Magyar language. Budapest, 1906.

These official Hungarian publications are forwarded by the new Musée Social in the Ministry of Commerce.

ITALY.

Saggio bibliografico degli articoli contenuti in riviste italiane e straniere sulle questioni del lavoro. Anno III, 1906. Ufficio del Lavoro, Rome, 1907, 57 pages (printed on one side only, paper bound).

The third issue by the Italian Bureau of Labor of its current bibliography of magazine and review articles on labor problems covers the publications of 1906. All countries are included and titles are quoted in the original language.

NETHERLANDS.

Statistiek van de berechting der overtredingen van de Arbeids- en Veiligheidswetten in 1905. (Bijdragen tot de statistiek van Nederland, LXXVIII) Centraal Bureau voor de Statistiek, The Hague, 1906, 48 pages (paper cover).

A statistical report respecting the judicial proceedings for contravention of the labor laws in 1905.

SPAIN.

Estadística de la asociacion obrera en 1 de Noviembre de 1904. Instituto de Reformas Sociales, Madrid, 1907, pages 288 and charts (paper bound).

Museos de hygiene y seguridad del trabajo; descripcion de los mas importantes de Europa, por José Marva y Mayer, jefe de la seccion segunda. Madrid, 1907, 87 pages and illustrations (paper).

Preparacion de las bases para un proyecto de ley de casas para obreros; casas baratas. Madrid, 1907, 459 pages and diagrams.

Informe acerca de la fabrica y de los obreros de mieres por D. Julio Puyol y Alonso, secretario general del Instituto. Madrid, 1907, 41 pages (paper).

Four recent publications of the Spanish Bureau of Social Reforms, corresponding to the bureaus of labor statistics in the United States. The first contains statistics of Spanish labor organizations in 1904, the second treats of European museums of social security and hygiene, the third is a comprehensive report on workingmen's houses, with digests of the foreign legislation, bibliographies, etc., and the fourth describes an important mining and industrial community.

SWEDEN.

Bidrog till Sveriges officiella statistik: Fabriker och handtverk. Kommerskollegii underdaniga berättelse för år 1905. Stockholm, 1907, pages xxxii+120, quarto (paper cover).

The annual report of the Swedish Department of Commerce on manufacturing industries and hand trades for 1905 contains reports from 11,949 factories employing 280,995 workmen and producing goods of the value of 1,676,173,000 francs (\$335,234,000), which is somewhat less than the output of the factories of the state of Connecticut in the same year.

APPENDIX.

STATISTICAL TABLES.

- I. Employment and earnings of organized wage workers, in the first quarter (January February and March): (a). Males. (b). Females.
- II. Causes of idleness among organized wage workers at the end of March.
- III. Number of labor unions and number of members thereof, in New York State and in each of the leading cities (April 1, 1907).
- IV. Building operations in the principal cities (January 1-March 31):
 - (a). New York City.
 - (b). Buffalo, Rochester, Syracuse and Troy.
- V. Immigration at the Port of New York in the first quarter.
- VI. Immigration to the United States, 1898-1904, according to nationality and race.
- VII. Record of the Deputy Factory Inspectors, January, February and March.
- VIII. Number of children's employment certificates issued by local health authorities in first and second class cities.
- IX. Licenses granted for manufacturing in tenements, January-March.
- X. Accidents reported by managers of factories and quarries, January-March:
 - (a). Age and sex of persons injured.
 - (b). Causes and results of accidents.
- XI. Fatal accidents reported in year ended September 30, 1906.

TABLE I.—EMPLOYMENT AND EARNINGS OF ORGANIZED WAGE WORKERS IN

INDUSTRIES OR GROUPS OF TRADES.	Number of wage earners reporting.	THEREOF IDLE.		NUMBER EMPLOYED.			
		Number.	Per cent.	Aggregate.	1-29 days.	30-59 days.	60-79 days.
1. Building, Stone Working, Etc.	143,680	42,009	29.2	101,034	11,617	42,969	44,912
Stone working.....	7,403	1,362	18.4	6,015	654	1,696	3,665
Building and paving trades.....	96,694	16,510	17.1	79,643	10,475	28,502	39,150
Building and street labor.....	39,583	24,137	61.0	15,376	488	12,771	2,097
2. Transportation	65,199	6,347	9.7	53,882	179	4,114	15,225
Railways.....	24,989	251	1.0	24,068	84	314	3,145
Navigation.....	12,295	4,854	39.5	7,180	22	799	530
Teaming and cab driving.....	17,079	219	1.3	16,796	.....	1,017	8,973
Freight handling.....	6,199	1,023	16.5	4,470	73	1,984	2,362
Telegraphs.....	4,637	.....	0.0	1,368	.....	.....	215
3. Clothing and Textiles	32,250	691	2.1	31,485	111	8,443	22,606
Garments.....	21,339	451	2.1	20,888	101	5,639	14,831
Shirts, collars and laundry.....	1,462	.....	0.0	1,462	.....	110	1,352
Hats, caps and furs.....	3,870	139	3.6	3,712	8	2,232	1,472
Boots, shoes and gloves.....	2,976	52	1.7	2,884	2	181	2,701
Textiles.....	2,603	49	1.9	2,539	.....	281	2,250
4. Metals, Machinery and Shipbuilding	38,887	800	2.1	37,896	308	1,896	34,961
Iron and steel.....	32,630	585	1.8	31,872	149	1,290	29,924
Other metals.....	4,350	64	1.5	4,268	60	369	3,715
Shipbuilding.....	1,907	151	7.9	1,756	99	237	1,322
5. Printing, Binding, Etc.	24,443	1,920	7.9	22,416	92	477	20,451
6. Wood Working and Furniture	12,133	942	7.8	10,528	214	1,639	8,665
7. Food and Liquors	13,771	412	3.0	13,359	302	191	12,083
Food products.....	6,570	220	3.3	6,350	300	145	5,825
Beverages.....	7,201	192	2.7	7,009	2	46	6,258
8. Theaters and Music	8,994	1,181	13.1	3,404	180	315	2,600
9. Tobacco	9,032	190	2.1	8,834	2	238	8,594
10. Restaurants and Retail Trade	7,685	72	0.9	7,475	25	229	5,236
Hotels and restaurants.....	6,005	67	1.1	5,850	9	226	3,805
Retail trade.....	1,680	5	0.3	1,625	16	3	1,431
11. Public Employment	9,250	145	1.6	9,068	501	1,119	612
12. Stationary Engine Men	13,886	212	1.5	12,404	.....	241	6,170
13. Miscellaneous	13,037	282	2.2	10,688	73	354	9,813
Paper and paper goods.....	3,465	1	+0.0	3,293	2	9	3,023
Barbering.....	2,737	11	0.4	2,726	6	3	2,595
Leather and leather goods.....	1,169	33	2.8	1,136	.....	135	1,001
Glass and glassware.....	1,261	26	2.1	1,235	.....	5	1,230
Cement and clay products.....	679	138	20.3	541	32	184	325
Other distinct trades.....	2,150	69	3.2	1,585	32	11	1,491
Mixed employment.....	1,576	4	0.3	172	1	7	148
Grand Total	392,247	55,203	14.1	322,473	13,604	62,225	191,928

FIRST QUARTER (JANUARY, FEBRUARY, MARCH) OF 1907: (a) MALES.

80 days or over.	DAYS EMPLOYED.		Aggregate Earnings.	AVERAGE EARNINGS.		NUMBER WHO EARNED—			
	Aggregate.	Per capita.		Per day.	For three months.	Less than \$75.	\$75 to \$149.	\$150 to \$224.	\$225 or more.
1,536	5,345,956	52.9	\$19,961,751 98	\$3 73	\$197 57	6,731	26,246	30,383	37,674
.....	333,776	55.5	1,290,649 21	3 87	214 57	166	837	3,012	2,000
1,516	4,295,766	53.9	16,779,998 98	3 91	210 69	3,797	18,409	22,015	35,422
20	716,414	46.6	1,891,103 79	2 64	122 99	2,768	7,000	5,356	252
34,364	4,389,354	81.5	12,076,054 40	2 75	224 12	463	6,229	27,324	19,866
20,525	2,089,719	86.8	6,295,645 07	3 01	261 58	98	664	8,772	14,534
5,829	598,851	83.4	1,952,932 32	3 26	272 00	125	1,283	1,531	4,241
6,806	1,311,080	78.1	2,922,201 11	2 23	173 98	99	2,681	13,028	988
51	269,587	60.3	676,980 83	2 51	151 45	141	1,366	2,948	15
1,153	120,117	87.8	228,295 07	1 90	166 88	.....	235	1,045	88
325	2,035,516	64.7	4,855,362 08	2 39	154 21	1,147	12,758	14,348	3,232
317	1,318,040	63.1	3,248,239 06	2 46	155 51	1,067	7,878	9,805	2,138
.....	109,762	75.1	179,945 61	1 64	123 08	40	1,186	1,444	92
.....	223,726	60.3	511,381 03	2 29	137 76	8	2,417	965	322
.....	203,961	70.7	439,695 47	2 16	152 46	20	945	1,816	103
8	180,027	70.9	476,100 91	2 64	187 52	12	332	1,618	577
731	2,718,989	71.7	8,437,202 33	3 10	222 64	375	3,268	14,868	19,425
509	2,297,580	72.1	7,107,795 59	3 09	223 01	309	2,826	12,474	16,263
124	303,530	71.7	910,134 93	3 00	213 25	62	237	2,118	1,851
98	117,879	67.1	419,271 81	3 56	238 77	4	225	216	1,311
1,396	1,615,684	72.1	5,378,395 79	3 33	239 94	56	984	6,888	14,488
10	698,796	66.4	1,972,457 17	2 82	187 35	124	2,511	5,320	2,573
783	979,812	73.3	2,510,272 87	2 56	187 91	150	1,115	9,923	2,171
80	461,711	72.7	1,177,098 55	2 55	185 37	148	684	4,470	1,048
703	518,004	73.9	1,333,174 32	2 57	190 21	2	431	5,453	1,123
309	245,361	72.1	1,057,372 21	4 31	310 63	5	383	1,124	1,892
.....	684,674	74.1	1,339,821 00	2 05	151 67	27	3,419	4,674	714
1,985	864,943	78.3	1,391,932 32	2 38	186 21	11	1,334	4,720	1,410
1,810	460,411	78.7	1,072,798 93	2 33	183 38	9	1,045	3,927	869
175	124,532	76.6	319,133 39	2 56	196 39	2	289	793	541
6,836	709,334	78.2	1,863,515 22	2 63	205 50	108	1,356	2,953	4,651
5,993	1,014,921	81.8	3,193,499 26	3 15	257 46	8	459	2,101	9,836
448	788,613	73.8	2,075,664 18	2 63	194 21	88	4,281	3,923	2,396
259	250,716	76.1	491,569 52	1 96	149 28	5	2,470	556	262
122	210,514	77.2	447,224 55	2 12	164 06	6	864	1,015	241
.....	79,329	69.8	202,520 83	2 55	178 28	10	280	663	173
.....	86,086	69.7	378,426 30	4 40	306 42	.....	90	139	1,006
.....	33,903	62.7	117,326 81	3 46	216 87	32	131	117	261
51	115,285	72.7	413,590 97	3 59	260 94	32	321	796	436
16	12,780	74.3	25,005 20	1 96	145 38	3	115	37	17
54,716	21,781,953	67.5	\$66,113,300 81	\$3 04	\$205 02	9,293	64,363	128,489	120,328

TABLE 1.—EMPLOYMENT AND EARNINGS OF ORGANIZED WAGE WORKERS IN

INDUSTRIES OR GROUPS OF TRADES.	Number of wage earners reporting.	THEREOF IDLE.		NUMBER EMPLOYED.			
		Number.	Per cent.	Aggregate.	1-29 days.	30-59 days.	60-79 days.
2. Transportation.....	178		0.0	32			6
Railways.....	1		0.0	1			
Telegraphs.....	177		0.0	31			6
3. Clothing and Textiles.....	6,311	299	4.7	5,858	5	712	5,135
Garments.....	4,501	254	5.6	4,247	3	692	3,546
Shirts, collars and laundry.....	757		0.0	659	2	2	655
Hats, caps and furs.....	390	5	1.3	385		3	382
Boots, shoes and gloves.....	573	40	7.0	477		15	462
Textiles.....	90		0.0	90			90
4. Metals, Machinery and Shipbuilding.....	404		0.0	29		19	10
Iron and steel.....	404		0.0	29		19	10
5. Printing, Binding, Etc.....	1,353	68	5.0	1,283	11	122	1,150
6. Wood Working and Furniture.....	56		0.0	56			56
8. Theaters and Music.....	680		0.0	640	1	1	561
9. Tobacco.....	2,552	57	2.2	2,494	2	303	2,189
10. Restaurants and Retail Trade.....	226		0.0	181		8	173
Hotels and restaurants.....	95		0.0	80		8	52
Retail trade.....	131		0.0	121			121
11. Public Employment.....	65		0.0	65			
13. Miscellaneous.....	384		0.0	384		200	184
Paper and paper goods.....	182		0.0	182			182
Leather and leather goods.....	200		0.0	200		200	
Cement and clay products.....	2		0.0	2			2
Grand Total.....	12,209	424	3.5	11,022	19	1,365	9,464

FIRST QUARTER (JANUARY, FEBRUARY, MARCH) OF 1907: (b) FEMALES.

80 days or more.	DAYS EMPLOYED.		Aggregate Earnings.	AVERAGE EARNINGS.		NUMBER WHO EARNED—			
	Aggregate.	Per capita.		Per day.	For three months.	Less than \$75.	\$75 to to \$149.	\$150 to \$224.	\$225 or more.
26	2,802	87.6	\$4,780 65	\$1 71	\$149 40	.....	11	21	.....
1	90	90.0	165 00	1 83	165 00	.....	.....	1	.....
25	2,712	87.5	4,615 65	1 70	148 89	.....	11	20	.....
6	399,113	68.1	525,183 27	1 32	89 65	1,590	4,099	169	.....
6	284,703	67.0	375,546 82	1 32	88 43	1,423	2,693	131	.....
.....	50,319	76.4	51,808 41	1 03	78 62	49	610	.....	.....
.....	24,824	64.5	40,893 53	1 65	106 22	9	338	38	.....
.....	33,577	70.4	50,098 79	1 49	105 03	44	433	.....	.....
.....	5,690	63.2	6,835 72	1 20	75 95	65	25	.....	.....
.....	1,596	55.0	1,159 03	73	39 97	28	1	.....	.....
.....	1,596	55.0	1,159 03	73	39 97	28	1	.....	.....
.....	84,223	65.6	138,616 31	1 65	108 04	152	1,039	51	41
.....	4,256	76.0	5,350 00	1 26	95 54	.....	56	.....	.....
77	49,229	76.9	268,985 56	5 46	420 29	.....	2	47	591
.....	179,946	72.2	375,395 33	2 09	150 52	20	1,322	652	500
.....	13,500	74.6	12,782 41	95	70 62	138	43	.....	.....
.....	4,188	69.8	2,792 00	67	46 53	60	.....	.....	.....
.....	9,312	77.0	9,990 41	1-07	82 57	78	43	.....	.....
65	5,850	90.0	9,021 25	1 54	138 79	.....	44	18	3
.....	22,001	57.3	36,369 30	1 65	94 71	.....	382	2	.....
.....	13,849	76.1	14,931 95	1 08	82 04	.....	182	.....	.....
.....	8,000	40.0	21,133 35	2 64	105 67	.....	200	.....	.....
.....	152	78.0	304 00	2 00	152 00	.....	.....	2	.....
174	762,515	69.2	\$1,377,643 11	\$1 81	\$124 99	1,928	6,999	960	1,135

TABLE II.—CAUSES OF IDLENESS AMONG ORGANIZED

INDUSTRIES OR GROUPS OF TRADES.	Number not reporting.	Number reporting.	Total number idle.
1. Building, Stone Working, Etc.	4,206	143,238	53,471
Stone working.	10	7,403	2,229
Building and paving trades.	4,186	96,262	25,792
Building and street labor.	10	39,573	25,450
2. Transportation.	1,877	65,377	8,273
Railways.	534	24,990	490
Navigation.	289	12,295	4,883
Teaming and cab driving.	774	17,079	1,135
Freight handling.	220	6,199	1,764
Telegraphs.	60	4,814	1
3. Clothing and Textiles.	110	38,859	4,819
Garments.	6	25,840	4,181
Shirts, collars and laundry.	100	2,179	27
Hats, caps and furs. ....	.....	4,260	214
Boots, shoes and gloves.	1	3,549	185
Textiles.	3	3,031	212
4. Metals, Machinery and Shipbuilding.	123	39,291	1,641
Iron and steel.	54	33,034	1,256
Other metals.	69	4,350	125
Shipbuilding. ....	.....	1,907	260
5. Printing, Binding, Etc.	80	25,796	2,545
6. Wood Working and Furniture.	5	12,189	1,583
7. Food and Liquors.	15	13,771	975
Food products.	15	6,570	738
Beverages. ....	.....	7,201	237
8. Theaters and Music.	2,347	9,734	1,284
9. Tobacco.	164	11,583	400
10. Restaurants and Retail Trade.	591	7,984	224
Hotels and restuarants.	407	6,100	213
Retail trade.	184	1,884	11
11. Public Employment.	297	9,315	1,297
12. Stationary Engine Men.	7	13,886	263
13. Miscellaneous.	669	13,064	494
Paper and paper goods.	17	3,647	72
Barbering.	161	2,737	39
Leather and leather goods. ....	.....	1,369	34
Glass and glassware.	3	1,261	33
Cement and clay products. ....	.....	681	216
Other distinct trades.	463	1,733	92
Mixed employment.	25	1,676	8
Grand Total.	10,691	404,027	77,269

WAGE WORKERS AT THE END OF MARCH 1907.

Per cent idle.	NUMBER, IDLE ON ACCOUNT OF—						
	Lack of work.	Lack of stock.	The weather.	Labor disputes.	Disability.	Other reasons.	Reason not stated.
37.3	40,834	1,209	9,151	1,261	888	104	24
30.1	1,345	347	435	12	28	62	.....
26.8	19,903	796	2,957	1,249	821	42	24
64.3	19,586	66	5,759	.....	39	.....	.....
12.7	1,762	25	5,844	.....	560	56	26
2.0	69	.....	.....	.....	367	33	21
39.7	80	.....	4,788	.....	9	6	.....
6.6	1,017	.....	.....	.....	116	2	.....
28.5	596	25	1,056	.....	67	15	5
+0.0	.....	.....	.....	.....	1	.....	.....
12.4	3,368	96	.....	1,141	207	7	.....
16.2	2,953	75	.....	1,050	96	7	.....
1.2	.....	.....	.....	.....	27	.....	.....
5.0	147	.....	.....	10	57	.....	.....
5.2	90	3	.....	71	21	.....	.....
7.0	178	18	.....	10	6	.....	.....
4.2	833	86	5	186	479	29	23
3.8	594	64	5	138	419	18	18
2.9	55	2	.....	47	17	.....	4
13.6	184	20	.....	1	43	11	1
9.9	771	.....	.....	1,288	476	10	.....
13.0	1,130	2	200	84	119	38	10
7.1	848	.....	.....	1	119	6	1
11.2	710	.....	.....	1	27	.....	.....
3.3	138	.....	.....	.....	92	6	1
13.2	1,266	.....	.....	.....	18	.....	.....
3.5	92	1	.....	3	301	1	2
2.8	184	.....	.....	.....	26	4	10
3.5	184	.....	.....	.....	18	3	8
0.6	.....	.....	.....	.....	8	1	2
13.9	606	400	.....	.....	291	.....	.....
1.9	170	.....	10	.....	26	53	4
3.8	167	.....	261	6	53	7	.....
2.0	1	.....	50	.....	16	5	.....
1.4	27	.....	.....	.....	11	1	.....
2.5	31	.....	.....	.....	3	.....	.....
2.6	20	.....	.....	6	6	1	.....
31.7	78	.....	138	.....	.....	.....	.....
5.3	3	.....	73	.....	16	.....	.....
0.5	7	.....	.....	.....	1	.....	.....
19.1	52,031	1,819	15,471	3,970	3,563	315	100

TABLE III.—NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS

INDUSTRIES OR GROUPS OF TRADES.	New York State.				New York	
	Org.	Men.	Women.	Total number of members.	Org.	Members.
1. Building, Stone Working, Etc.	732	147,444	.....	147,444	225	108,876
Stone working.	49	7,413	.....	7,413	12	5,273
Building and paving trades.	617	100,448	.....	100,448	178	67,879
Building and street labor.	66	39,583	.....	39,583	35	35,724
2. Transportation.	366	67,075	179	67,254	77	31,269
Railways.	223	25,523	1	25,524	26	4,520
Navigation.	26	12,584	.....	12,584	5	6,128
Teaming and cab driving.	61	17,853	.....	17,853	27	14,673
Freight handling.	40	6,419	.....	6,419	15	3,674
Telegraphs.	16	4,696	178	4,874	4	2,274
3. Clothing and Textiles.	172	32,638	6,331	38,969	82	29,963
Garments.	87	21,345	4,501	25,846	46	21,485
Shirts, collars and laundry.	13	1,502	777	2,279	5	1,890
Hats, caps and furs.	22	3,870	390	4,260	16	3,796
Boots, shoes and gloves.	18	2,977	573	3,550	9	1,523
Textiles.	32	2,944	90	3,034	6	1,269
4. Metals, Machinery and Shipbuilding.	297	38,975	439	39,414	81	16,853
Iron and steel.	244	32,684	404	33,088	51	11,532
Other metals.	42	4,384	35	4,419	21	3,484
Shipbuilding.	11	1,907	.....	1,907	9	1,837
5. Printing, Binding, Etc.	116	24,522	1,354	25,876	36	21,348
6. Wood Working and Furniture.	90	12,138	56	12,194	44	9,305
7. Food and Liquors.	121	13,786	.....	13,786	33	9,013
Food products.	67	6,585	.....	6,585	25	4,546
Beverages.	54	7,201	.....	7,201	8	4,467
8. Theaters and Music.	60	11,431	850	12,281	13	8,482
9. Tobacco.	65	9,186	2,561	11,747	14	7,583
10. Restaurants and Retail Trade.	89	8,279	296	8,575	18	4,522
Hotels and restaurants.	53	6,412	95	6,507	10	3,702
Retail trade.	36	1,867	201	2,068	8	820
11. Public Employment.	121	9,547	65	9,612	29	7,709
12. Stationary Engine Men.	72	13,893	.....	13,893	27	10,318
13. Miscellaneous.	158	13,289	384	13,673	26	4,188
Paper and paper goods.	38	3,482	182	3,664	.....	.....
Barbering.	54	2,898	.....	2,898	3	583
Leather and leather goods.	10	1,169	200	1,369	5	947
Glass and glassware.	19	1,264	.....	1,264	7	757
Cement and clay products.	12	679	2	681	2	268
Other distinct trades.	17	2,196	.....	2,196	8	1,603
Mixed employment.	8	1,601	.....	1,601	1	30
Grand Total.	2,459	402,203	12,515	414,718	705	269,429

IN THE STATE AND IN THE PRINCIPAL CITIES, MARCH 31, 1907

City.	Buffalo.		Rochester.		Syracuse.		Albany.		Schenectady.		Troy.	
Thereof women.	Org.	Mem-bers.	Org.	Mem-bers.	Org.	Mem-bers.	Org.	Mem-bers.	Org.	Mem-bers.	Org.	Mem-bers.
.....	43	5,385	20	5,212	18	2,260	14	1,496	9	1,107	9	912
.....	3	248	1	98	1	68	2	105	.....	.....	.....	.....
.....	40	5,137	16	2,919	14	2,073	11	1,241	8	1,004	8	854
.....	.....	.....	3	2,195	3	119	1	150	1	103	1	58
133	53	12,671	16	2,348	13	1,172	21	2,679	3	220	10	1,079
.....	32	4,956	11	1,807	12	1,147	12	1,607	3	220	5	559
.....	6	5,407	.....	.....	.....	.....	2	145	.....	.....	.....	.....
.....	7	648	3	376	.....	.....	4	525	.....	.....	3	478
.....	7	1,550	.....	.....	.....	.....	1	250	.....	.....	2	42
133	1	110	2	165	1	25	2	152	.....	.....	.....	.....
3,163	9	1,355	4	1,452	11	1,370	3	111	1	45	1	115
2,071	6	1,222	2	102	8	1,131	2	74	1	45	1	115
600	.....	.....	.....	.....	1	65	1	37	.....	.....	.....	.....
292	1	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
180	2	126	2	1,350	2	174	.....	.....	.....	.....	.....	.....
20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
35	19	3,291	11	2,047	8	810	12	890	26	7,419	11	1,081
.....	17	3,114	9	1,854	7	710	10	850	25	7,397	9	1,011
35	2	177	2	193	1	100	2	40	1	22	2	70
.....
1,162	11	1,193	9	697	6	346	6	802	1	71	1	137
50	8	550	7	604	6	192	4	178	1	105	1	80
.....	10	1,288	5	454	6	478	7	422	2	96	5	342
.....	4	350	3	138	2	252	2	107	2	96	2	155
.....	6	938	2	316	4	226	5	315	.....	.....	3	187
655	3	515	2	489	2	272	3	218	2	130	2	202
2,281	1	506	2	300	3	457	3	360	1	71	1	360
130	7	655	2	290	6	483	3	310	4	340	2	183
60	2	481	2	290	2	281	1	181	2	200	1	110
70	5	174	.....	.....	4	202	2	129	2	140	1	73
10	3	451	3	239	2	131	4	216	2	65	2	66
.....	6	1,780	2	560	2	188	3	108	1	8	1	42
200	7	2,177	4	203	1	178	1	146	1	100	2	194
.....	1	493	1	10	1	178	1	146	1	100	1	94
200	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	100
.....	1	80	2	62	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	102	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	3	102	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	1,400	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
7,819	180	31,817	87	14,695	84	8,337	84	7,936	54	9,777	48	4,793

TABLE IV.—STATISTICS OF BUILDING OPERATIONS IN THE PRINCIPAL CITIES.
(a) Buildings Authorized in New York City in January, February and March, 1906 and 1907.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS—			
	1906.	1907.	1906.	1907.	COMMENCED.		COMPLETED.	
					1906.	1907.	1906.	1907.
NEW BUILDINGS:								
Bronx.....	556	464	\$7,006,685	\$5,139,600	339	240	376	389
Brooklyn.....	1,655	2,239	11,426,642	15,595,649	1,457	1,539	924	2,181
Manhattan.....	474	218	34,358,800	15,783,310	354	100	340	383
Queens.....	873	900	3,767,206	3,738,980	873	320	978	544
Richmond.....	140	127	530,108	398,578	149	96	95	145
Total.....	3,698	3,948	\$57,089,441	\$40,656,117	3,172	2,295	2,713	3,642
ALTERATIONS:								
Bronx.....	178	130	\$299,150	\$215,635	154	108	143	108
Brooklyn.....	880	1,782	1,072,590	1,718,824	804	1,350	393	1,711
Manhattan.....	954	918	5,957,679	5,868,751	670	587	773	597
Queens.....	264	218	260,555	673,947	264	107	333	343
Richmond.....	104	120	62,499	80,083	89	93	61	87
Total.....	2,380	3,168	\$7,652,473	\$8,557,240	1,981	2,245	1,703	2,846
TOTAL OF NEW BUILDINGS AND ALTERATIONS:								
Bronx.....	734	594	\$7,305,835	\$5,355,235	493	348	519	497
Brooklyn.....	2,535	4,021	12,499,232	17,314,473	2,261	2,889	1,317	3,892
Manhattan.....	1,428	1,136	40,316,479	21,652,061	1,024	687	1,113	980
Queens.....	1,137	1,118	4,027,761	4,412,927	1,137	427	1,311	887
Richmond.....	244	247	592,607	478,661	238	189	156	232
Total.....	6,078	7,116	\$64,741,914	\$49,213,357	5,153	4,540	4,416	6,488

Number and Estimated Cost of New and Remodeled Tenement Houses Included in the Foregoing Table.

BOROUGH	NUMBER OF BUILDINGS.		ESTIMATED COST.	
	1906.	1907.	1906.	1907.
NEW TENEMENTS:				
Bronx.....	119	53	\$4,611,000	\$1,827,000
Brooklyn.....	451	490	4,546,600	5,878,000
Manhattan.....	293	43	17,483,500	5,111,000
Queens.....	102	91	563,000	691,400
Total.....	965	677	\$27,204,100	\$13,507,400
REMODELED TENEMENTS:				
Bronx.....	38	21	\$33,750	\$20,225
Brooklyn.....	98	121	68,380	124,250
Manhattan.....	596	548	1,180,230	1,173,174
Queens.....	15	14	3,227	5,825
Richmond.....	.....	1	.....	250
Total.....	747	705	\$1,285,587	\$1,323,724
TOTAL OF NEW AND REMODELED TENEMENTS:				
Bronx.....	157	74	\$4,644,750	\$1,847,225
Brooklyn.....	549	611	4,614,980	6,002,250
Manhattan.....	889	591	18,663,730	6,284,174
Queens.....	117	105	566,227	697,225
Richmond.....	.....	1	.....	250
Total.....	1,712	1,382	\$28,489,687	\$14,831,124

TABLE IV.—STATISTICS OF BUILDING OPERATIONS—(Continued).

(b) Buffalo, Rochester, Syracuse and Troy.

CITY AND PERIOD.	NEW BUILDINGS.		ADDITIONS AND REPAIRS.		ALL BUILDINGS.	
	No.	Est. Cost.	No.	Est. Cost.	No.	Est. Cost.
BUFFALO.						
January.....	112	\$363,540	41	\$54,460	153	\$418,000
February.....	77	275,725	55	105,975	132	381,700
March.....	102	784,585	144	95,415	246	880,000
January-March 1907..	291	\$1,423,850	240	\$255,850	531	\$1,679,700
1906..	344	*1,104,785	213	245,180	557	*1,349,965
1905..	275	963,768	171	181,118	446	1,144,886
1904..	247	908,939	161	243,719	408	1,152,658
1903..	205	523,463	117	104,365	322	627,828
1902..	284	720,953	141	123,461	425	844,414
1901..	182	735,795	112	350,975	294	1,086,770
1900..	115	585,530	104	109,343	219	694,873
ROCHESTER.						
January.....	45	\$187,085	25	\$37,810	70	\$224,895
February.....	35	185,500	24	16,975	59	202,475
March.....	130	1,130,315	63	59,525	193	1,189,840
January-March 1907..	210	**\$1,502,900	112	\$114,310	322	**\$1,617,210
1906..	223	†1,181,853	79	106,271	302	†1,287,924
1905..	247	†844,949	66	47,578	313	†892,527
1904..	66	433,280	47	28,665	113	461,945
1903..	136	320,812	55	42,401	191	363,213
1902..	112	304,574	36	22,166	148	326,740
1901..	89	185,450	53	78,704	142	264,154
1900..	81	204,550	29	16,425	110	220,975
SYRACUSE.						
January.....	28	††\$342,695	19	\$41,450	47	††\$384,145
February.....	36	154,500	24	31,910	60	186,410
March.....	56	197,150	38	48,855	94	246,005
January-March 1907..	120	\$694,345	81	\$122,215	201	\$816,56
1906..	89	326,685	77	72,180	166	398,845
1905..	72	192,700	49	40,775	121	233,475
1904..	35	†1,075,722	44	38,600	79	†1,114,322
1903..	36	286,525	60	96,090	96	383,215
1902..	65	182,505	51	110,435	116	292,904
1901..	66	206,757	54	28,010	120	234,767
1900..	94	182,747	46	34,964	140	217,711
TROY.						
January.....	3	\$6,000	6	\$4,705	9	\$10,705
February.....	6	†\$96,150	12	25,915	18	†\$122,065
March.....	3	9,200	12	10,300	15	19,500
January-March 1907..	12	\$111,350	30	\$40,920	42	\$152,270
1906..	15	58,000	23	23,715	38	81,715

*Including one store and office building costing \$150,000.

† Including a department store costing \$400,000.

‡ Including an office and factory building to cost \$107,131.

§ Including a county court house to cost \$900,000.

¶ Including a brick car house to cost \$100,000, and a fireproof warehouse costing \$240,000.

** Including a fireproof hotel costing \$730,000.

†† Including a Y. M. C. A. building costing \$264,000.

‡ Including a Maternity Home to cost \$80,000.

TABLE V.—IMMIGRATION AT THE PORT OF
(Compiled by the Bureau of Immigration and

RACE OR PEOPLE.		SEX.		Total admitted.	AGE.	
		Male.	Female.		Under 14 years.	14 to 44 years.
1	African (black).....	81	48	109	7	98
2	Armenian.....	325	119	444	53	371
3	Bohemian and Moravian.....	885	415	1,300	125	1,135
4	Bulgarian, Servian, Montenegrin.....	3,900	110	4,010	32	3,902
5	Chinese.....	1	.....	1	.....	1
6	Croatian and Slovenian.....	7,688	1,098	8,786	203	8,422
7	Cuban.....	83	19	102	2	95
8	Dalmatian, Bosnian, Herzegovinian.....	1,630	38	1,668	10	1,624
9	Dutch and Flemish.....	1,752	689	2,441	489	1,815
10	East Indian.....	4	.....	4	1	3
11	English.....	3,622	1,379	5,001	498	4,180
12	Finnish.....	972	273	1,245	32	1,195
13	French.....	856	559	1,415	133	1,200
14	German.....	9,294	4,462	13,756	1,499	11,698
15	Greek.....	4,814	134	4,948	90	4,834
16	Hebrew.....	11,528	8,398	19,926	4,585	14,240
17	Irish.....	1,583	742	2,325	142	2,100
18	Italian (North).....	8,793	1,482	10,277	483	9,489
19	Italian (South).....	41,049	7,089	48,138	3,388	43,269
20	Japanese.....	30	4	34	2	32
21	Korean.....	.....	.....	.....	.....	.....
22	Lithuanian.....	2,061	622	2,683	113	2,512
23	Magyar.....	13,899	2,998	16,897	766	15,705
24	Mexican.....	9	1	10	.....	9
25	Pacific Islander.....	.....	.....	.....	.....	.....
26	Polish.....	17,011	4,979	21,990	889	20,688
27	Portuguese.....	390	119	509	77	408
28	Romanian.....	4,262	280	4,522	39	4,349
29	Russian.....	2,096	154	2,250	43	2,159
30	Ruthenian (Russniak).....	3,747	909	4,656	69	4,503
31	Scandinavian.....	3,793	1,065	4,858	200	4,558
32	Scotch.....	1,505	512	2,017	210	1,701
33	Slovak.....	7,485	2,510	9,995	555	9,221
34	Spanish.....	767	87	854	32	799
35	Spanish-American.....	64	13	77	5	62
36	Syrian.....	139	52	191	23	159
37	Turkish.....	345	9	354	6	344
38	Welsh.....	210	95	305	39	245
39	West Indian (except Cuban).....	28	7	35	.....	33
40	Other peoples.....	234	12	246	6	237
41	Grand total.....	156,917	41,462	198,379	14,846	177,395

*The number of immigrants destined to

Alabama.....	263	Indiana.....	2,045
Alaska.....	10	Indian Territory.....	38
Arizona.....	259	Iowa.....	443
Arkansas.....	39	Kansas.....	975
California.....	5,591	Kentucky.....	114
Colorado.....	1,348	Louisiana.....	200
Connecticut.....	6,135	Maine.....	228
Delaware.....	303	Maryland.....	1,034
District of Columbia.....	277	Massachusetts.....	7,344
Florida.....	169	Michigan.....	3,705
Georgia.....	92	Minnesota.....	1,942
Hawaii.....	13	Mississippi.....	77
Idaho.....	324	Missouri.....	3,157
Illinois.....	15,948	Montana.....	429

NEW YORK, QUARTER ENDED MARCH 31, 1907.*

Naturalization, Department of Commerce and Labor.)

45 and over.	ILLITERACY, 14 years and over.		Have been in the United States before.	Total debarred.	FIRST QUARTER, 1906.			
	Can read but cannot write.	Can neither read nor write.			Males.	Females.	Total.	
4	1	1	22	.....	66	44	110	1
20	.....	101	16	8	234	66	300	2
40	6	16	23	.....	861	456	1,317	3
76	14	2,209	66	30	3,023	109	3,132	4
.....	.....	.....	.....	.....	5	.....	5	5
161	19	2,763	387	54	7,426	1,054	8,480	6
5	2	.....	53	.....	95	40	135	7
34	3	900	21	8	1,113	37	1,150	8
137	2	79	114	7	1,679	629	2,308	9
.....	.....	.....	.....	.....	9	2	11	10
323	2	27	951	15	3,310	1,305	4,615	11
18	5	1	72	1	989	325	1,314	12
82	1	26	196	10	955	532	1,487	13
559	20	716	598	79	10,165	4,926	15,091	14
24	.....	1,471	98	50	3,365	92	3,457	15
1,101	39	4,594	206	116	18,372	14,569	32,941	16
83	1	25	226	13	1,593	793	2,386	17
305	2	816	647	39	9,240	1,431	10,671	18
1,481	5	25,180	3,301	257	46,948	7,694	54,642	19
.....	.....	1	12	.....	14	1	15	20
58	99	1,460	32	22	1,007	402	1,499	21
426	10	1,767	818	62	11,984	2,891	14,875	22
1	.....	.....	2	.....	2	4	6	23
.....	.....	.....	.....	.....	.....	.....	.....	24
413	494	8,168	609	98	13,070	4,302	17,372	25
24	1	309	44	4	1,010	492	1,502	26
134	9	1,787	85	15	3,134	184	3,318	27
48	14	1,192	34	12	636	97	733	28
84	22	2,551	250	34	3,835	1,016	4,851	29
100	4	8	351	10	4,577	1,341	5,918	30
106	1	8	323	9	1,337	418	1,755	31
219	27	1,527	999	27	8,212	2,405	10,617	32
23	2	184	90	27	548	58	607	33
10	.....	1	22	.....	79	21	100	34
9	1	88	12	14	166	71	237	35
4	1	266	4	8	107	3	110	36
21	2	1	35	.....	262	59	321	37
2	.....	1	14	.....	39	23	62	38
3	.....	69	2	5	140	3	143	39
6,138	809	58,313	10,733	1,034	159,699	47,895	207,594	40

each state or territory is shown below:

Nebraska	871	Rhode Island	902
Nevada	383	South Carolina	82
New Hampshire	454	South Dakota	371
New Jersey	13,918	Tennessee	59
New Mexico	135	Texas	167
New York	65,917	Utah	546
North Carolina	50	Vermont	391
North Dakota	403	Virginia	376
Ohio	12,401	Washington	1,111
Oklahoma	18	West Virginia	2,170
Oregon	585	Wisconsin	2,965
Pennsylvania	41,361	Wyoming	224
Philippine Islands	2		
Porto Rico	17		
		Grand total	198,379

TABLE VI.—IMMIGRATION TO THE UNITED STATES

Publications of the American Statistical Association

RACE.	Total (6 years).	COUNTRY OF ORIGIN.					
		German Empire.	Austria-Hungary.	Switzerland.	Belgium.	Netherlands.	Denmark, Norway, Sweden.
German	289,438	151,088	81,785	11,677	172	67	
Dutch and Flemish	26,306	30	12	28	9,635	16,120	
Scandinavian (Danes, Norwegians, Swedes)	292,634	196	3	9	7	10	283,8
English	6120,035	20	13	7	5	4	
Welsh	6,653				2		
Scotch	25,642	1	4				
Irish	199,799	2	2	2	1		
French	31,254	256	24	1,953	3,981	16	
Italian	928,308	13	9,669	2,246	5		
Portuguese	30,593		4	1			
Spanish	13,222	2	8	1	1	1	
Spanish-American, Mexican, Cuban, West Indian	25,777	3	1	3		8	
Greek	47,203	7	9	1	1		
Roumanian	12,392	3	10,520	2			
Lithuanian	64,825	50	1,716		1	4	
Bohemian and Moravian	36,444	57	36,208				
Slovak	173,725	16	173,471	1	6		
Polish	338,741	18,214	154,921		4	1	
Bulgarian, Servian, Montenegrin, Slovenian, Croatian, Dalmatian, Bosnian	147,932	39	141,298	2	10	5	
Russian, Ruthenian, Russniak	49,272	21	36,393				
Armenian	8,172		6		5		
Hebrew	396,404	2,342	92,815	48	19	67	
Syrian	24,889		3		2		
Finnish	71,597				5	1	
Magyar	*d107,405	24	*107,316		13		
Turkish	2,444	1	6	41			
East Indian, Chinese, Japanese, Korean, Pacific Islander	†87,661						
Negro, African	7,112		1		1	4	
Not specified	985	19	26	7	3	3	
Totals	3,566,864	172,404	845,884	16,029	13,879	16,311	284,3

* Including 800 (784, 3, 13) Hungarian.

† Including 469 East Indian, 13,490 Chinese, 70,750 Japanese, 2,639 Korean, 913 Pacific Islanders.

‡ 15 East Indian, 3 Pacific Islanders.

§ Including 450 East Indian, 13,489 Chinese, 70,149 Japanese, 2,639 Korean, 910 Pacific Islanders.

1898-1904, ACCORDING TO NATIONALITY AND RACE.

Association, December, 1906.

OF ORIGIN.

United Kingdom.	France.	Italy.	Portugal and the Azores.	Spain and the Canaries.	Greece.	Roumania.	Bulgaria Montenegro, Servia.	Turkey in Europe.	Russian Empire.	Non-European Countries.	RACE.
214	103	28	8	3	.....	1,043	35	11	42,530	917	German.
29	16	1	1	.....	.....	.....	2	.....	18	409	Dutch.
51	.....	1	1	3	2	.....	1	1	8,065	397	Scandinavian.
107,712	16	18	5	17	1	.....	1	9	.....	12,169	English.
6,634	.....	.....	.....	.....	.....	.....	.....	.....	.....	17	Welsh.
25,229	.....	.....	.....	.....	.....	.....	.....	.....	.....	381	Scotch.
199,320	1	.....	2	.....	.....	.....	.....	.....	.....	468	Irish.
61	24,240	53	.....	30	3	.....	4	8	.....	613	French.
62	89	915,634	15	.....	16	.....	.....	7	.....	549	Italian.
16	.....	1	30,382	.....	.....	.....	.....	1	.....	187	Portuguese.
51	35	21	3	8,101	.....	.....	.....	25	.....	4,973	Spanish.
180	14	3	8	135	.....	.....	1	2	.....	25,372	Spanish-American
9	1	7	.....	14	45,453	24	.....	1,537	6	134	Greek.
1	.....	1	.....	.....	.....	1,685	47	104	12	16	Roumanian.
8	.....	.....	.....	.....	.....	.....	1	.....	63,042	.....	Lithuanian.
2	.....	1	.....	.....	.....	.....	1	.....	163	.....	Bohemian.
1	.....	.....	.....	.....	.....	.....	2	83	176	.....	Slovak.
31	1	.....	.....	.....	2	34	6	14	165,476	51	Polish.
.....	1	22	.....	2	9	24	4,471	1,933	54	61	Southern Slavic.
6	.....	.....	.....	.....	.....	16	.....	3	12,723	109	Russian.
15	3	3	1	4	2	1	4	533	18	7,577	Armenian.
1,709	98	15	5	8	11	35,950	59	520	262,025	679	Hebrew.
28	.....	1	.....	33	5	.....	4	164	.....	24,627	Syrian.
6	.....	.....	.....	.....	.....	.....	.....	.....	71,236	70	Finnish.
3	.....	.....	.....	.....	.....	14	2	.....	*14	*21	Magyar.
2	2	1	.....	.....	45	11	6	1,808	2	519	Turkish.
118	Jap. 1	.....	Chin. 1	.....	.....	.....	.....	.....	East Ind. 4	\$87,637	Other races.
59	6	.....	1,373	4	.....	.....	.....	.....	.....	5,662	Negro.
22	34	29	.....	13	1	2	25	135	13	652	Not specified.
341,479	24,684	915,843	31,792	8,383	945,551	438,813	4,754	6,812	625,607	174,281	Totals.

a So in original; apparently should be 81,485.

b In original erroneously printed 120,135.

c So in original, instead of 173,421.

d So in original; the items across total 107,408.

e So in original; the items, however, foot 174,284.

f In original, 341,279.

g In original, 455,551.

h In original, 38,831.

BUREAU OF FACTORY INSPECTION.

Table VII.—Record of the Deputy Factory Inspectors.

	FIRST QUARTER, 1907.				FIRST QUARTER, 1906.
	Jan.	Feb.	Mar.	Total.	
Regular inspections:					
Factories in separate buildings.....	792	553	687	2,032	10,489
Tenant factories.....	2,439	2,351	2,714	7,504	
Laundries.....	215	155	168	538	1,159
Bakeries.....	171	167	195	533	
Mines or quarries.....	.....	.....	.....	.....	.....
Tenant factory buildings.....	25	25	34	84	.....
Tenement buildings (licensed).....	493	733	604	1,830	**
Total.....	4,135	3,984	4,402	12,521	11,648
Special inspections (factories, laundries, bakeries).....	97	71	159	327	*
Investigations:					
Accidents.....	.....	.....	.....	.....	34
Applications for license.....	410	330	322	1,062	1,307
Complaints.....	71	75	83	229	110
Compliances (No. of establishments).....	2,950	2,175	3,361	8,486	2,267
On special orders.....	23	288	250	561	*
Total.....	3,454	2,868	4,016	10,338	3,718
Observations—Tenement buildings (unlicensed).....	690	489	540	1,719	.....
Tagging, to stop work:					
Goods in tenements (\$100).....	27	17	15	59	46
Goods in tenant factories (\$ 95).....	20	19	46	85	.....
Articles in bakeries (\$ 114).....	.....	4	9	13	.....
Unsafe machinery (\$ 81).....	.....	.....	.....	.....	*
Scaffolding (\$ 19).....	.....	.....	.....	.....	.....
Total.....	47	40	70	157	46
Prosecutions begun.....	15	16	18	49	*
Days or parts of days on court work.....	41	34	79‡	154‡	*
Days consumed by illness or travel.....	132‡	59‡	74‡	266‡	*
Days absent by leave or vacation.....	22	32‡	17	71‡	*

Table VIII.—Number of Children's Employment Certificates Issued by Boards of Health in First and Second Class Cities.

CITY.	FIRST QUARTER, 1907.				FIRST QUARTER, 1906.
	Jan.	Feb.	Mar.	Total.	
New York City:					
Bronx Borough.....	131	180	134	445	373
Brooklyn Borough.....	138	121	78	337	310
Manhattan Borough.....	776	1,105	818	2,699	2,638
Queens Borough.....	39	54	63	156	102
Richmond Borough.....	10	15	7	32	37
Total—New York City.....	1,094	1,475	1,100	†3,669	*3,460
Buffalo.....	80	65	73	218	153
Rochester.....	45	67	43	155	206
Syracuse.....	38	51	54	143	183
Albany.....	29	11	13	53	23
Troy.....	17	9	8	34	53
Utica.....	40	15	18	73	84
Yonkers.....	.....	5	4	9	19
Schenectady.....	22	12	10	44	38

*No record. **Licensed and unlicensed apartments inspected—97.

†Includes "mercantile" as well as "manufacturing" certificates.

BUREAU OF FACTORY INSPECTION.

Table IX.—Licenses for Tenement Manufactures.

	FIRST QUARTER, 1907.			Total Oct. 1, 1904 to Mar. 31, 1907.
	New York City.	Remain- der of State.	Total.	
Applications pending December 31, 1906.....	92		92	
Applications received.....	642	8	650	8,849
Total.....	734	8	742	8,849
(1) Applications for dwellings with- out clear record from local health or tenement-house au- thorities and therefore.....	refused	37	37	1,775
(2) Applications for dwellings with clear record from health and tenement-house authorities, in- vestigated by factory inspector and.....	granted	486	491	4,270
	refused	98	98	1,468
	standing*	23	23	218
(3) Applications for shop buildings investigated by factory in- spector and.....	granted	11	14	648
	refused	6	6	173
	standing *	1	1	3
Applications refused† in class 1 with subsequent report of compliance with orders of health of tenement house authorities, investigated by factory inspector and.....	granted	86	86	852
	refused	29	29	383
Applications refused† in classes 2 or 3, subsequently re-investigated and.....	granted	139	139	1,283
	refused	97	97	829
Total applications granted.....	722	8	730	7,053
Total applications refused (net†).....	84		84	1,281
Total applications standing*.....	24		24	221
Applications cancelled by applicants.....	32		32	228
Applications duplicated.....	1		1	27
Applications pending Mar. 31, 1907.....	60		60	60
Licenses cancelled at request of applicants.....	7	1	8	123
Licenses revoked for unlawful conditions.....	1		1	5
Net increase in outstanding licenses.....	714	7	721	
Licenses outstanding December 31, 1906.....	5,750	454	6,204	
Licenses outstanding March 31, 1907.....	6,464	461	6,925	6,925

*These are cases in which investigation showed no work being done or likely to be done on the premises and in which no further application for the license was received after investigation.

†In present or previous quarters.

‡The number of buildings held to be below the requirements for licensing was 1,365 at the beginning of the quarter. As the result of re-applications and re-inspections during the quarter, the number of rejected applications was reduced to 1,281.

TABLE X.—ACCIDENTS IN FACTORIES AND QUARRIES, JANUARY-MARCH, 1907.

(a) Age and Sex of Persons Injured.

CAUSE. [n. e. s.—Not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +	Age not stated.	TOTAL.	Male.	Fem.
MECHANICAL POWER.							
Transmission of power:							
Motors (engines, dynamos, flywheels)			40		40	39	1
Air fans, steam pumps, etc.			6		6	6	
Gearing	2	8	90		100	93	7
Set screws		1	21		22	19	3
Shafting	1	2	19		22	21	1
Belts and pulleys	2	10	92		104	104	
Conveying and hoisting machinery and apparatus:							
Elevators and lifts	4	15	67	1	87	84	3
Cranes (steam, electric, portable, etc.)			46		46	46	
Hoisting and conveying apparatus, n. e. s.		4	288		292	291	1
Locomotives and trains		2	50	1	53	53	
Wood working machines:							
Saws		9	156	2	167	167	
Planers		1	12		13	13	
Jointers		2	56		58	58	
Shapers			13		13	13	
Lathes			5		5	5	
Other wood working machines		5	31		36	36	
Paper and printing machinery:							
Barkers			5		5	5	
Calendars, etc.		1	61	1	63	63	
Paper cutting, stitching and staying	1	13	26		40	26	14
Printing presses	2	10	28	2	42	35	7
Textile machinery:							
Picking machines		1	3		4	4	
Carding machines		2	7		9	9	
Spinning machines		5	17		22	5	17
Looms		2	18		20	10	10
Formers, knitting machines	2	6	42	1	51	41	10
Sewing machines, etc.		2	15		17	8	9
Laundry machines	2	2	9		13	7	6
Leather working machinery		4	26		30	27	3
Metal working machinery:							
Stamping machines	1	35	152		188	151	37
Drilling and milling machines	1	7	104		112	111	1
Screw machines		5	14		19	19	
Lathes	1	4	32		37	37	
Drop and steam hammers			36		36	36	
Shears	1		21		22	22	
Rollers		1	30		31	31	
Other	1	15	90		106	102	4
Polishing machines:							
Contact with grindstones, etc.	1	4	28	1	34	34	
Struck by fragments of polishing wheels	1	3	32		36	36	
Other		1	24		25	24	1
Machinery used in bakeries, etc.			10	2	12	11	1
Machinery not elsewhere specified	1	15	93	2	111	100	11
Total	24	197	1,915	13	2,149	2,002	147
HEAT AND ELECTRICITY.							
Explosives (powder, dynamite, etc.)			10		10	10	
Explosion and ignition of gases		1	11		12	11	1
Explosion of boilers and steam pipes			24		24	24	
Other injuries from steam and hot liquids			53		53	53	
Caustics			31		31	30	1
Explosion of molten metal			14		14	14	
Other accidents from molten metal		1	87	1	89	89	
Vats, pans, etc. (containing hot liquids, etc.)		1	18		19	19	
Electricity			50		50	50	
Fire and heat, n. e. s.	1	7	72	1	81	80	1
Total	1	10	370	2	383	380	3

TABLE X.—ACCIDENTS IN FACTORIES AND QUARRIES, JANUARY-MARCH, 1907.

(a) Age and Sex of Persons Injured—(Continued).

CAUSE. [n. e. s.—Not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +	Age not stated.	TOTAL.	Male.	Fem.
FALL OF PERSON.							
Fall from ladder, scaffold, platform, etc.		3	81		84	84	
Fall from machinery, trucks, engines, etc.		1	43		49	49	
Fall caused by collapse of support.			65		65	65	
Fall through opening in floor.			35		35	34	1
Fall in hoistway, shaft, etc.			10	1	11	11	
Fall on stairs, steps, etc.		2	20		22	18	4
Fall on level by slipping.		3	27		30	26	4
Fall on level by tripping.	1	1	39		41	40	1
All others.		2	76		78	78	
Total	1	12	401	1	415	405	10
INJURED BY WEIGHTS.							
Falling rock and earth (quarrying, etc.)			36		36	36	
Falling pile of material.	1	1	56		58	58	
Falling walls, doors and other objects.		4	209	2	215	212	3
Tools or weights dropped by person in- jured.		1	55		56	56	
Falling objects dropped by other per- sons.		1	21		22	22	
Heavy materials or parts on which in- jured persons were at work.	1	1	61		63	63	
Machinery being moved.			35		35	35	
Fall of materials from trucks in transit.			31		31	31	
Handling of castings, flasks, etc.		2	142		144	144	
Handling of stone, ore, etc.			12		12	12	
Handling of lumber and other materials.		1	64		65	64	1
Loading or unloading.		2	146		148	148	
Cause insufficiently described for clas- sification.		1	35		36	36	
Total	2	14	903	2	921	917	4
FLYING OBJECTS.							
Struck in eye by piece of metal, etc.			112		112	112	
Other injuries from flying objects.			47		47	46	1
Total			159		159	158	1
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.							
		3	100		103	103	
MISCELLANEOUS.							
Hand tools (hammers, wrenches, files, etc.)	2	4	105		111	110	1
Tools in hands of fellow workmen.			39		39	39	
Injured while fitting and assembling, n. e. s.			55		55	55	
Hand caught on nail, sharp wire, sharp projection, etc.		5	86		91	87	4
Hand cut on glass.	1	1	5		7	6	1
Injured by stepping on nail, splinter, etc.		3	55		58	55	3
Inhalation of poisonous gases.			10		10	10	
All other causes.	1		82	1	84	83	1
Total	4	13	437	1	455	445	10
GRAND TOTAL	32	249	4,285	19	4,585	4,410	175

TABLE X.—(b.) Causes and Results of Accidents in

CAUSE. [n. e. s.—Not elsewhere specified]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, fly wheels, etc.)	40	9	1	6	4	
Air fans, steam pumps, etc.	8			1	1	
Gearing	100	36		6	4	
Set screws	22	5		2	3	3
Shafting	22	3		2	3	
Belts and pulleys	104	14	1	17	9	6
Conveying and hoisting machinery:						
Elevators and lifts	87	6		2	25	1
Cranes (steam, electric, portable, etc)	46	5	1	2	8	
Hoisting and conveying apparatus, n. e. s.	292	47	3	29	71	9
Locomotives and trains	53	4		1	7	2
Wood working machines:						
Saws	167	52		25		
Planers	13	2		7	2	
Jointers	58	2			1	
Shapers	13	2		2		
Lathes	5	1			1	
Other wood working machines	36	9	1	3	1	1
Paper and printing machinery:						
Barkers	5			1		
Calendars and other paper making machines	63	15	5	6	5	
Paper cutting, stitching and staying machines	40	12		5	3	
Printing presses	42	15		4	5	
Textile machinery:						
Picking machines	4	2				
Carding machines	9	2				
Spinning machines	22	5		2	2	1
Looms	20	4		4	3	
Formers, knitting machines and other textile machinery	51	12		5	7	
Sewing machines, etc.	17	2		7		
Laundry machines	13	2	1		2	
Leather working machinery	30	4		10	4	1
Metal working machinery:						
Stamping machines	188	20		12	14	
Drilling and milling machines	112	17		22	15	1
Screw machines	19	5		6	2	
Lathes	37	9		13	4	
Drop and steam hammers	36	5		4	3	3
Shears	22	2		2	5	
Rollers	31	8	5	1	7	2
Others	106	19		24	11	4
Polishing machines:						
Contact with grindstones, emery wheels, etc.	34	10		4	1	
Struck by fragments of polishing wheels	36	4		5	1	
Other	25	7		6	3	
Machines used in bakeries, confectionery establishments, etc.	12	2		1	2	
Machines not elsewhere specified	111	18		14	17	
Total	2,149	398	18	264	256	35
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.)	10				2	
Explosion and ignition of gases	12		8			
Explosion of boilers and steam pipes	24		11	3	1	
Other injuries from steam and hot liquids	53		48			
Caustics	31		24		1	
Explosion of molten metals	14		11	1		
Other accidents from molten metals	89		70			
Vats, pans, etc. (containing hot liquids or caustics)	19		17			
Electricity	50		32			
Fire and heat, n. e. s.	81		64			
Total	383		285	4	4	

Factories and Quarries January 1—March 31, 1907.

DISABLEMENT.				Serious injuries, probably permanent.	PERMANENT DISABLEMENT.							Death.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internal injury.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
3	5	2	30	7			3			3		
1			3				3				3	
2	3	1	52	17	1	1	22			6	30	
1	4		18	3			1				1	
	9	1	18	1	1						2	
8	21	1	77	11	2		4			5	11	
6	16		56	10			1		5	9	15	
4	4	1	26	14	1		2			3	6	
15	35	2	211	38			23		2	13	38	
3	14	2	33	7	1	2	3		2		8	
1	2	3	83	29		2	41	1	4	3	51	
			5	2	1		5				6	
		1	11	4		2	40			1	43	
	1		5	3			5				5	
			2				2			1	3	
	2		17	8			8		1	2	11	
			1	3			1				1	
	8	3	42	7			6			6	12	
			20	6			13			1	14	
1	2	2	29	4	1		6			2	9	
			2	1			1				1	
			2		1	1	4			1	7	
	4	2	16	2			3			1	4	
	5		16		1		2			1	4	
1	1	4	30	7		2	10			2	14	
		4	13	2			1			1	2	
			9	1	1		2				3	
		3	22	5			3				3	
2	2	1	51	57		1	74			5	80	
4	8	5	72	16			20		2	1	23	
		1	14	3			2				2	
	2	2	30	1			4			2	6	
1	1	2	19	10			7				7	
2	1	1	12	3			6			1	7	
2	4		29				1				1	
1	4	3	66	17			19	1		3	23	
		3	18	10			5			1	6	
1	5	15	31	3			1				1	
1	3		20	5								
			5	1			4			2	6	
6	11	2	68	16	1	1	21			5	28	
66	180	67	1,284	333	12	12	379	2	16	78	499	
	2		4	1				1		3	4	
	1		9	1							1	
2	2		19								2	
	2		50	1						1	5	
	1	1	27	4							1	
			12	1				1				
	3		73	16							1	
			17									
	13	1	46							1	2	
	5		69	7					1	3	3	
2	29	2	326	31				2	1	8	11	

TABLE X. (b)—Causes and Results of Accidents in Factories

CAUSE. (n. e. s.—Not elsewhere specified)	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.	84	4		3	9	18
Fall from machinery, trucks, engines, etc.	49	1			13	11
Fall caused by collapse of support.	65	4	2	4	8	10
Fall through opening in floor.	35		3		4	9
Fall in hoistway, shaft, etc.	11				2	
Fall on stairs, steps, etc.	22	1		3	4	4
Fall on level by slipping.	30	2		3	5	9
Fall on level by tripping.	41	3		7	9	8
All others.	78	10		12	13	17
Total.	415	25	5	32	67	86
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.)	36	2		4	16	
Falling of pile of material (lumber, coal, cement, etc.)	58	9		4	20	2
Falling walls, doors and other objects.	215	36		10	95	1
Tools or weights dropped by person injured.	56	13		3	32	
Falling objects dropped by other persons.	22	5		4	10	
Heavy materials or parts on which injured persons were at work.	63	16	1	6	23	1
Machinery being moved.	35	7		3	10	2
Fall of materials from trucks in transit.	81	4		1	15	
Handling of castings, flasks, etc.	144	33		10	47	7
Handling of stone, ore, etc.	12	2		2	4	
Handling of lumber, paper and other materials.	65	15		3	19	6
Loading and unloading.	148	28		8	62	12
Cause insufficiently described for classification.	36	6		2	13	1
Total.	921	175	1	60	366	32
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.	112	4	13	12	3	
Other injuries from flying objects.	47	6	2	20	5	
Total.	159	10	15	32	8	
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.						
	103	19		5	42	7
MISCELLANEOUS.						
Hand tools, (hammers, knives, wrenches, files, etc.)	111	24	1	42	19	2
Tools in hands of fellow workmen	39	13		8	9	
Injured while fitting and assembling, n. e. s.	55	12	2	12	15	3
Hand caught on nail, wire, sharp projection, etc.	91	21		30	4	
Hand cut on glass.	7			6		
Injured by stepping on nail, silver, etc.	58	24		8		
Inhalation of poisonous gases.	10					1
All other causes.	84	7	1	9	6	10
Total.	455	101	4	115	53	16
GRAND TOTAL.	4,685	728	328	512	796	176

and Quarries January 1—March 31, 1907—Concluded.

DISABLEMENT.				Serious injuries probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internal injury.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
8	26	5	73	3	1				2	3	6	2
6	11	3	45	2						1	1	1
4	23	2	57	5	1				1		2	1
2	13	1	32	1						1	1	1
2	5		9									
3	6		21				1			1	1	1
3	3	4	20									
3	7	2	39	1					1	1	1	
4	10	6	72	4				1	1		2	
35	104	23	377	16	2		1	1	5	7	16	6
2	4	1	29	3								4
7	10	3	54	1					1		1	2
14	19	7	182	15	1		5	1	2	5	14	4
3	2	1	54	2								
	1	1	21				1				1	
1	7	3	58	4			1				1	
1	4		27	3			2		2		4	1
	2	2	24	2			2			1	3	2
10	11	4	122	12			3		3	3	9	1
1	1		10				1		1		2	
5	10	3	61	1			1		2		3	
7	15	1	133	6			2		4	2	8	1
2	3	1	28	2		2	1		1	1	5	1
53	89	27	803	51	1	2	19	1	16	12	51	16
	1	49	82	16				14			14	
1	1	7	42	3						2	2	
1	2	56	124	19				14		2	16	
4	9	1	87	8			5		2	1	8	
2	8	5	103	4			2	1		1	4	
	3	1	34	1					2	2	4	
2	3		49	4			1			1	2	
1	9	17	82	5			2			2	4	
			6	1								
		25	57	1								
	3	4	8									
3	11	18	65	7			3	1	4	1	9	2
8	37	70	404	23			8	2	6	7	23	5
109	450	246	3,405	481	15	14	412	22	46	115	624	75

BUREAU OF FACTORY INSPECTION.

TABLE XI.—Fatal Accidents Reported in Year Ended September 30, 1906.

INDUSTRY.	AGES.				Total.
	Under 16 years.	16-18 years.	18 years +	Age not re- ported.	
I. MINERAL PRODUCTS.					
1. Stone.....			6	1	7
2. Iron and other mines.....			13		13
3. Cement and lime.....			12		12
4. Gypsum and plaster.....			9		9
5. Other mineral products.....		1	8		9
II. METALS, MACHINERY AND CONVEYANCES.					
1. Metals other than iron and steel.....			6		6
2. Blast furnaces, rolling mills and steel works....			44	3	47
3. Foundries and machine shops.....	*1		19		20
4. Electrical apparatus.....			10		10
5 a-f. Locomotives and vehicles.....		1	9		10
5g. Railway repair shops.....			11		11
6. Ship and boat building.....			6		6
7. Scientific apparatus.....			**1		**1
III. WOOD MANUFACTURES.....					
			19		19
IV. LEATHER.....					
			2		2
V. CHEMICALS, PAINTS, EXPLOSIVES.....					
			9	1	10
VI. PAPER AND PULP.....					
		2	11		13
VII. PRINTING AND BOOK MAKING.....					
	1	2	5		8
VIII. TEXTILES.....					
		1	9		10
IX. CLOTHING, MILLINERY, LAUNDRY, ETC....					
		2	4		6
X. FOOD, TOBACCO AND LIQUORS.					
1. Flour and grist mills.....			3		3
2. Sugar refining, spice grinding, etc.....			4	1	5
3a. Provisions.....			5		5
3b. Butter and cheese.....			1		1
4. Bakeries and confectioneries.....			3		3
5. Breweries.....			5		5
XI. WATER, LIGHT AND POWER.....					
			4	1	5
TOTAL.....	2	9	238	7	256

* Not an employee. ** A woman.

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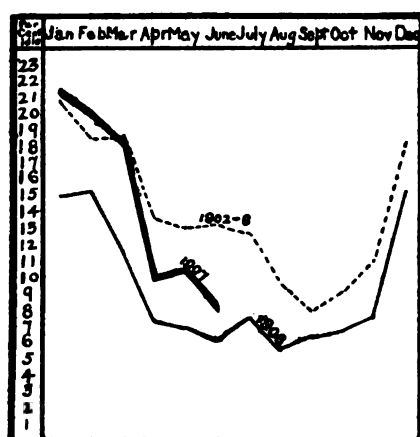
ALBANY, September, 1907

Whole No. 34

EDITORIAL SUMMARY.

Conditions of employment in the first six months of this year have not been so favorable as in the record year 1906, but they surpassed those of 1905, which was the next best year.

The State of Employment.



Returns to the Bureau of Labor Statistics from associations of workingpeople with a membership of more than 93,000 wage earners in 85 different trades and occupations show that the average monthly number of idle workmen was 147 per 1,000 in the first half of 1907 as compared with 151 in the corresponding period of 1905, 104 in 1906, and an average

of 164 for the past five years. At the end of June the number idle was 7,809 (81 per 1,000), of whom 1,200 were not working on account of illness, accident or other disability, 700 on account of labor disputes, and the remaining 5,900 on account of lack of employment or other non-personal causes. Building operations, which were retarded by the severity of the winter, are now unusually active in all the large cities. In New York the number of buildings begun and the number completed in the second quarter of the present year exceeded the record of last year and the estimated cost of projected buildings fell but little short of the 1906 record, the decline in the erection of houses in Manhattan and The Bronx having been almost counterbalanced by an increase in office buildings, etc. In both Rochester and Syracuse new records in the building department were attained and in Buffalo there was

a large increase over the average of recent years, altho the total was somewhat below the figures for the corresponding months of last year.

* * *

**Industrial
Relations.**

An unusually large number of labor disputes characterized the early summer, the most important of which was the strike of 15,000 longshoremen in New York City. The Bureau of Mediation and Arbitration recorded 112 new disputes in the second quarter of the year, as compared with 94 a year ago, and the number of direct participants was 37,650, as against 27,010 last year. It is estimated that the working time lost in consequence of labor disputes in April, May and June was equal to 869,000 days, which is the largest amount of time thus lost since the second quarter of 1904, when the entire building industry of New York City was stopped by the conflict between the unions and the newly formed association of employers. This year the only noteworthy strike in the building trades of the metropolis was that begun by the painters, who are outside the general arbitration agreement between employers' and employees' organizations. The annual meeting of the General Arbitration Board of the Building Trades was held about the first of August and was particularly harmonious. In the printing industry also the principle of arbitration has achieved a distinct success under a new agreement between the American Newspaper Publishers' Association and the International Typographical Union, which provides for the reference of disputes to conciliation boards, local and national, composed of an equal number of employers and employees. A demand of the newspaper compositors in New York City for a higher scale of wages went first to a local conciliation board, composed of two officers of the local union and two publishers, and upon their failure to agree was referred to a board of six, consisting of three officers or representatives of the National Union and three representatives of the Publishers' Association, no provision being made for an umpire in the revised agreement. On July 18th, the national board made an award giving the compositors an increase in wages from May 1st. The arguments of counsel before the two boards, which are quoted at length in the BULLETIN, contain much interesting information regarding economic and living conditions as well as the publishing business.

**Child
Labor.**

The results of the biennial school census taken last October in the cities of the state and a few of the larger villages, summarized in Table I of the Appendix, show that there were 626,383 children between 8 and 14 years of age attending school and 18,104 out of school, of whom 15,763 resided in New York City. Of the children not in school 11,417 were reported to be legally absent, 6,340 illegally absent and 347 truant. The compulsory school law prohibits the employment of children under 14 years during the school term, and of children 14-16 years of age unless legally employed. Of the children 14-16 years old 104,667 were in school and 56,598 were out of school, of whom 6,837 were illegally absent and 238 truant. The number of employment certificates issued in April, May and June this year was approximately the same as last year, a few cities showing gains and others losses. A recent development in Buffalo is the employment of families in the home manufacture of paper boxes. Machinery is installed, material furnished and instruction given by the manufacturer, and school children work with other members of the family after school hours. Few apparently continue long at the work, 205 of 754 workers investigated having soon abandoned it. The "sweatshop" law does not apply to such home work in Buffalo, but the dwellings were found in good sanitary condition and not in pressing need of sanitary regulation.

• • •

Accidents.

The number of accidents reported in factories and quarries in April, May and June was 4,966 as compared with 3,261 in the corresponding period of last year. That most of the increase was due to improved records is indicated by the fact that the number of deaths increased only from 74 to 86,—this class of accidents being difficult to conceal and consequently more faithfully recorded in previous years than the minor injuries, to which attention is now being devoted. Factory Inspector Williams has instituted a new department in the BULLETIN, in which he will publish suggestions to the deputy inspectors regarding the guarding of machinery. In the opening article in this issue he treats of textile machinery. It may be added that the employers'

liability law enacted in 1902 considerably strengthens the hands of the inspectors in securing the guarding of machinery. While section 81 of the Labor Law has for many years made it the duty of employers to protect dangerous machinery, the courts held in suits for the recovery of damages by injured workmen that the requirement was simply a legal obligation which might be waived the same as any common-law obligation and that it was in fact waived when the employee continued at work on unguarded machinery (*Knisley v. Pratt*, 148 N. Y. 372). But the Liability Law, according to a recent decision reported in this BULLETIN, "no longer permits the courts to rule as a matter of law * * * that an employee assumes the risk caused by the employer's failure to discharge any duty of safety, or is guilty of contributory negligence by continuing in the work with knowledge of such failure." Those are questions to be submitted to the jury.

* * *

Accident Insurance. The BULLETIN also summarizes eighteen other recent decisions on the liability of employers and contains a general review of the accident insurance systems which in other countries have taken the place of negligence law. The newer legislation, which has been officially urged upon Congress by the President of the United States, has now been adopted in every industrial country of Europe except Switzerland and Hungary, in Australia and in one of the provinces of the Dominion of Canada. Its aim is to provide compensation for every bodily injury not intentionally caused by the workman and to diffuse the pecuniary burden over the community by including the costs of such indemnification among the regular expenses of production. The establishment, by law, of a scale of compensation for every variety of injury enables the employer to calculate the risks of the trade and to insure them in the same way that he insures his fire risks. The experience of England indicates that it costs but little more to make certain provision for the victims of accidents than it formerly did to conduct the expensive litigation attending numerous suits for damages, which still characterizes employers' liability in this country. While there might be some constitutional objec-

tions to such legislation in certain states, it is believed that they may be overcome so far as respects the more hazardous occupations at least. Thus Commissioner Sherman, who contributes a special article to this BULLETIN on the subject of "Factory Laws and the Courts" in which he answers some of the criticism called forth by recent labor decisions, has taken the position that "the state might with unquestionable justice and propriety impose a license tax upon every dangerous factory, based upon the average number and seriousness of the accidents to its employees" and that, therefore, there can "be no valid objection to profiting by the experience of other nations and in effect laying and applying such a tax in the form of compulsory insurance of employees."

■ ■ ■

**Trade
Union
Statistics.**

A compilation of the statistics of labor organizations in the principal countries of the Western world indicates that the number of members in good standing now exceeds nine million, which is one million more than the indicated membership one year ago. The largest growth was in Germany, which contributed a gain of 400,000, thereby outstripping Great Britain and almost overtaking the United States. At the present time it is estimated that labor organizations in the United States and Canada have about 2,300,000 adherents, whereas the organizations in Germany last year claimed an average membership of 2,215,000 and the trade unions of Great Britain at the beginning of 1906 were officially credited in government reports with a total membership of 1,888,000. The organized labor movement also made great progress last year in Austria-Hungary and the Scandinavian countries, but lost ground in Spain. Five of the European countries now have more trade union adherents than the state of New York, which still ranks ahead of Russia, Hungary and Spain as well as the smaller countries.

THE STATE OF EMPLOYMENT.

In the opening months of the present year the labor market exhibited many unfavorable conditions, owing largely to a diminution in the unusual activity that has for some time characterized the building and construction industries in Greater New York. This relapse, as noted in the BULLETIN for June, did not extend to manufacturing industries, and the more recent statistics collected by the Bureau of Labor Statistics show that there has been a marked improvement in building work in the metropolis this summer (Table VI, Appendix). The proportion of idle members of 191 representative trade unions, representing some 80 different occupations, declined from 21.5 per cent at the end of January, 20.1 per cent at the end of February, and 18.3 per cent in March, to 10.1 per cent at the end April, 10.5 per cent in May and 8.1 per cent in June. How these figures compare with previous years is shown in the following table:

NUMBER AND PROPORTION OF ORGANIZED WAGE WORKERS IDLE.

END OF—	No. of unions.	Members reporting.	Thereof idle.	PERCENTAGE IDLE							
				1907.	1906.	1905.	1904.	1903.	1902.	1902-6	
January.....	191	92,871	20,007	21.5	15.0	22.5	25.8	20.5	20.9	20.9	
February.....	191	92,797	18,653	20.1	15.3	19.4	21.6	17.8	18.7	18.6	
March.....	191	93,242	17,018	18.3	11.6	19.2	27.1	17.6	17.3	18.6	
April.....	191	94,402	9,563	10.1	7.3	11.8	17.0	17.3	15.3	13.7	
May.....	191	94,755	9,955	10.5	7.0	8.3	15.9	20.2	14.0	13.1	
June.....	191	95,840	7,809	8.1	6.3	9.1	13.7	23.1	14.5	13.3	
Mean.....	.....	.....	.....	<u>14.7</u>	<u>10.4</u>	<u>15.1</u>	<u>20.2</u>	<u>19.4</u>	<u>16.8</u>	<u>16.4</u>	

Only in January and February was this year's proportion of idle workmen above the average of the five years 1902-6, and in the last month or so it was below that of every recent year with the single exception of 1906,—the record year of the decade.*

While the number of wage earners reporting as to idleness was steadily increasing, the number as well as the proportion actually idle decreased throughout the period save in the month of May. The causes of the temporary check at that time are revealed in Table IX of the Appendix, from which it appears that the number idle in consequence of labor disputes jumped from 361 in April to

* As nearly as can be estimated the average number of days of employment for the organized wage workers of this state, in each year of the past decade, was as follows:

1897	1898	1899	1900	1901	1902	1903	1904	1905	1906
227	232	259	246	280	284	256	258	272	278

1,442 in May. The industries affected are shown in the following table:

NUMBER OF MEMBERS OF REPRESENTATIVE TRADE UNIONS RENDERED IDLE ON ACCOUNT OF LABOR DISPUTES AT THE END OF—						
INDUSTRIES.	Jan.	Feb.	March.	April.	May.	June
1. Building, stone working, etc....	249	410	950	71	52	.....
2. Transportation.....	.....	.....	.....	.....	942	310
3. Clothing and textiles.....	.....	50	.....	.....	.....	.....
4. Metals, machinery and shipbuilding.....	4	.....	9	15	7	40
5. Printing, binding, etc.....	315	302	300	269	255	248
6. Wood working and furniture....	87	127	.....	.....	.....	.....
7. Food and liquors.....	.....	.....	.....	.....	.....	.....
8. Theaters and music.....	.....	.....	.....	.....	.....	.....
9. Tobacco.....	.....	.....	.....	2	182	100
10. Restaurants, retail trade.....	.....	.....	.....	.....	.....	.....
11. Public employment.....	.....	.....	.....	.....	.....	.....
12. Stationary engine men.....	.....	.....	.....	.....	.....	.....
13. Miscellaneous.....	.....	.....	6	4	4	.....
Total 1907.....	655	889	1,265	361	1,442	698
1906.....	1,498	1,359	1,170	956	1,627	1,835
1905.....	3,036	2,775	3,288	2,197	1,266	1,197
1904.....	2,541	1,559	6,820	2,963	3,712	1,647
1903.....	?	1,086	2,083	5,274	9,668	15,983

Labor disputes in the earlier months were mainly confined to the building, printing and furniture industries and by April the printers alone were affected in any considerable number. In May the transport trades and the tobacco trades were involved through the extensive strike of the longshoremen in New York City (see BULLETIN for June, p. 166) and the cigar makers of Albany; but even then the total number out on strike was rather under the average and in June it had fallen to an unusually low figure, so far as the 191 representative unions reporting are concerned. But the records of the Bureau of Mediation and Arbitration, reproduced in the following pages, show that the number of strikes in this period was considerably larger than usual this year, as was also the number of workmen involved and the amount of working time lost in consequence of disputes.

PERCENTAGE OF UNEMPLOYED MEMBERS OF LABOR ORGANIZATIONS IN EACH INDUSTRY AT THE END OF—

GROUPS OF TRADES.	Jan.	Feb.	Mar.	April.	May.	June.	Mean for six mos.
I. Building, stone working, etc.:							
1902.....	33.6	34.3	23.5	19.1	13.3	14.1	23.0
1903.....	23.5	20.4	21.6	23.8	37.3	44.9	28.6
1904.....	38.3	31.2	42.6	12.8	9.3	11.9	24.4
1905.....	41.5	32.6	31.8	18.8	12.8	12.7	25.0
1906.....	14.3	16.4	9.4	6.7	7.6	6.4	10.1
1907.....	40.4	36.1	32.5	17.7	14.9	10.7	25.4

PERCENTAGE OF UNEMPLOYED MEMBERS OF LABOR ORGANIZATIONS IN EACH INDUSTRY AT
THE END OF—

GROUPS OF TRADES.	Jan.	Feb.	Mar.	April.	May.	June.	Mean for six mos.
II. Transportation:							
1902.....	23.7	26.2	20.3	8.8	15.9	14.6	18.3
1903.....	38.6	38.0	33.0	14.4	6.4	7.0	22.9
1904.....	40.6	37.7	42.1	33.2	35.3	7.7	32.8
1905.....	30.8	26.4	25.5	13.7	6.3	6.6	18.2
1906.....	32.6	29.8	23.6	4.2	4.3	5.9	16.7
1907.....	28.2	26.5	25.3	5.1	9.2	6.3	16.8
III. Clothing and textiles:							
1902.....	19.2	5.4	21.4	27.6	29.1	28.3	21.8
1903.....	19.3	20.9	22.3	27.2	29.0	22.4	23.5
1904.....	30.0	20.5	28.3	39.4	35.7	38.4	32.1
1905.....	15.2	12.8	16.3	11.3	7.3	10.2	12.2
1906.....	8.1	12.5	10.2	9.4	10.4	5.3	9.3
1907.....	5.4	9.2	6.5	8.2	10.8	8.2	8.1
IV. Metals, machinery, shipbuilding:							
1902*.....	7.5	7.2	4.7	2.2	2.7	3.2	4.6
1903.....	13.6	6.7	5.7	5.8	7.2	9.0	8.0
1904.....	13.7	13.8	13.0	13.3	16.1	14.7	14.1
1905.....	9.4	7.9	6.2	4.1	4.6	4.2	6.1
1906.....	7.1	5.1	5.4	4.5	4.7	4.8	5.3
1907.....	5.5	5.6	3.7	4.5	4.9	4.4	4.8
V. Printing, binding, etc.:							
1902.....	12.2	12.9	14.7	13.2	9.2	12.9	12.5
1903.....	13.2	11.5	10.8	13.4	12.1	11.8	12.1
1904.....	15.0	11.0	16.0	10.4	11.3	12.4	12.7
1905.....	7.3	7.3	7.2	8.6	8.6	13.8	8.8
1906.....	19.6	18.9	18.1	17.0	16.9	16.3	17.8
1907.....	12.9	12.8	13.1	11.5	11.6	11.5	12.2
VI. Wood working and furniture:							
1902.....	32.6	35.1	19.0	19.3	14.2	14.8	22.5
1903.....	27.2	25.5	35.3	38.8	18.3	38.2	30.6
1904.....	37.0	33.7	34.4	27.0	26.3	28.7	31.2
1905.....	24.8	33.0	34.1	21.1	14.7	9.3	22.8
1906.....	14.5	13.2	13.2	15.3	11.9	10.8	13.2
1907.....	19.7	15.4	16.8	18.4	20.2	17.0	17.9
VII. Food and liquors:							
1902.....	8.2	7.5	8.0	8.4	5.2	5.4	7.1
1903.....	10.9	8.2	7.1	9.0	5.6	5.7	7.8
1904.....	6.3	7.2	6.6	7.2	7.1	5.8	6.7
1905.....	9.3	9.7	8.4	7.7	6.6	5.8	7.9
1906.....	7.4	6.9	6.0	16.9	7.5	5.2	8.3
1907.....	8.2	8.7	7.4	5.2	5.4	5.6	6.8
VIII. Theaters and music:							
1902.....	13.4	13.0	9.6	5.2	0.2	17.5	9.8
1903.....	20.4	4.3	1.8	16.9	28.1	27.5	16.5
1904.....	9.9	9.2	11.3	13.1	12.5	15.6	11.9
1905.....	12.4	13.1	12.2	8.6	10.5	15.8	12.1
1906.....	7.6	4.9	6.1	4.8	5.2	4.8	5.6
1907.....	3.0	3.0	7.1	10.8	11.3	15.3	8.4
IX. Tobacco:							
1902.....	4.4	4.3	4.7	8.8	4.6	4.6	5.2
1903.....	5.0	4.7	3.8	5.5	4.6	4.4	4.7
1904.....	5.6	7.7	7.9	10.5	7.4	8.7	8.0
1905.....	5.6	6.0	6.6	8.4	5.2	3.6	5.9
1906.....	4.7	8.8	6.9	4.8	3.7	3.3	5.4
1907.....	5.4	5.7	4.3	4.9	10.7	8.5	6.6

* Includes Group XII.

PERCENTAGE OF UNEMPLOYED MEMBERS OF LABOR ORGANIZATIONS IN EACH INDUSTRY AT
THE END OF—

GROUP OF TRADES.	Jan.	Feb.	Mar.	April.	May.	June.	Mean for six mos.
X. Restaurants and retail trade:							
1902.....	7.6	7.2	4.8	12.3	3.6	2.5	6.8
1903.....	10.5	7.5	9.6	7.1	3.5	5.7	7.3
1904.....	10.9	11.0	9.2	8.8	5.8	3.3	8.2
1905.....	8.5	10.6	9.8	4.5	3.9	4.1	6.9
1906.....	9.5	10.7	6.6	6.1	4.7	4.8	7.1
1907.....	3.3	6.7	5.1	6.9	5.6	3.5	5.2
XI. Public employment:							
1902.....	3.7	3.8	2.2	1.8	2.0	6.6	3.4
1903.....	2.8	3.9	3.1	3.1	2.3	4.2	3.2
1904.....	11.5	11.9	6.9	6.8	7.3	8.2	8.8
1905.....	6.1	4.9	7.4	7.0	5.9	8.3	6.6
1906.....	4.7	4.1	2.5	3.3	2.4	1.8	3.1
1907.....	2.5	2.1	1.7	1.4	1.7	0.7	1.7
XII. Stationary enginetending:							
1902.....	*	*	*	*	*	*	*
1903.....	3.7	4.3	3.8	3.0	3.6	3.2	3.6
1904.....	3.5	3.2	3.5	2.4	3.3	4.6	3.4
1905.....	1.6	1.6	1.1	2.8	2.8	3.1	2.2
1906.....	2.2	1.8	1.6	2.5	2.0	1.7	2.0
1907.....	1.3	1.8	1.5	2.6	1.0	1.3	1.6
XIII. Miscellaneous:							
1902.....	22.4	17.1	5.8	1.7	0.5	0.8	8.1
1903.....	13.5	7.2	0.4	4.8	9.5	15.6	8.5
1904.....	7.7	4.2	3.8	3.0	2.3	2.4	3.9
1905.....	4.2	5.7	5.4	3.1	3.0	3.8	4.2
1906.....	3.6	2.6	2.2	2.2	1.9	2.0	2.4
1907.....	3.6	5.1	2.6	2.3	2.6	3.4	3.8

At the end of June conditions of employment in nearly all trades were much above the average. While there were as a rule more unemployed workers in the various industries than in the same month last year there were fewer than in 1905, the next best year of the decade, in all but three of the groups in which all trades are classified. In New York City, in which reside two-thirds of the wage earners herein included, the conditions of employment at the end of June were more favorable than in any of the past five years with the exception of 1906, thus:

IDLENESS IN REPRESENTATIVE NEW YORK CITY UNIONS AT THE END OF JUNE.

YEAR.	Unions.	Members reporting.	THEREOF IDLE.		IDLE ON ACCOUNT OF—		
			Number.	Per cent.	Labor disputes.	Disa- bility.	All other reasons.
1903.....	77	68,566	21,443	31.0	15,296	.....	.....
1904.....	.....	66,629	11,250	16.9	1,349	.....	.....
1905.....	85	64,294	7,149	11.1	1,005	756	5,393
1906.....	87	61,946	4,186	6.8	1,315	598	2,273
1907.....	89	64,117	6,421	10.0	567	781	5,073

* Included in Group IV.

INDUSTRIAL RELATIONS IN NEW YORK.

Statistics of Disputes in April, May and June.

The Bureau of Mediation and Arbitration recorded 112 strikes and lockouts which began in the second quarter of 1907. The number of employees on strike or locked out in these disputes was 37,650 while 4,911 others were temporarily thrown out of work by them though not themselves directly concerned in the controversies. The direct participants lost during the quarter* 648,267 days of working time and those indirectly affected lost 86,183 days. Besides the new disputes of the quarter there were in existence 10 others, 8 begun in the first quarter of this year and two (the lithographers' and printers' eight-hour strikes) dating back to 1906. The amount of time lost on account of these old disputes during the second quarter of this year was perhaps 135,000 days, which would make the total time lost in disputes for April, May and June in round numbers 869,000 working days. With this may be compared a similar total for the second quarter of last year of 550,000 days.

Comparison for the second quarter of each of the last five years, as below, shows that there were more disputes begun during April, May and June of this year than in any of the other four years. Likewise the number of workpeople directly concerned in new disputes was considerably larger this year than last and more than twice as great as in 1905 but does not quite equal the numbers in 1904 and 1903.

	SECOND QUARTER.				
	1907.	1906.	1905.	1904.	1903.
Number of new disputes.....	112	94	56	43	97
Employees directly concerned.....	37,650	27,010	15,991	39,000	40,699

The leading new disputes of the quarter (that is, those which caused the loss of as much as 2,000 days of working time within the quarter) numbered 28 as compared with 26 such in the corresponding quarter of 1906. The localities, trades, dates and

*Fourteen disputes lasted beyond June 30th but the above figures include in such cases only the time lost prior to July 1.

principal statistics for these leading disputes are set forth in the list below where they are arranged in the order of their importance as measured by aggregate duration. Just one half the number were in New York City and two of these, the strikes of longshoremen and painters which far exceeded all others in size, together account for considerably more than one half both of the whole number of workpeople directly concerned in new disputes and of the working time lost during the quarter.

LOCALITY.	Trade.	Date.	EMPLOYEES AFFECTED.		Aggregate days lost.
			Directly.	Indirectly.	
New York City†..	Longshoremen.....	Apr. 29-June 13..	15,000	.....	400,000
New York City†..	Painters.....	Apr. 1-.....	6,000	.....	*100,000
Cohoes, Troy,					
Waterford†..	Carders.....	Apr. 1-25.....	175	3,223	48,000
Amsterdam.....	Rug weavers.....	Apr. 29-Aug. 3...	87	445	*28,728
Albany.....	Cigar makers.....	May 27-Aug. 3...	300	120	*12,800
Lockport†.....	Fiber workers.....	Apr. 24-July 10..	38	151	10,773
New York City...	Wire workers.....	June 3-.....	400	.....	*9,600
New York City...	Jewelry case makers.	Apr. 29-.....	178	.....	*9,504
New York City...	Vest makers.....	June 27-July 3...	3,000	.....	*9,000
Buffalo.....	Freight handlers....	May 20-27.....	800	700	7,800
New York City†..	Laborers (sugar re-				
	finery).....	May 6-11.....	1,000	70	6,420
New York City...	Freight handlers....	May 1-14.....	510	.....	6,120
Hornell, Port Jer-					
vis, Buffalo,					
Rochester.....	Machinists (Erie Ry.)	May 25-June 15..	192	.....	*5,952
Cohoes.....	Shoddy workers.....	June 1-29.....	236	.....	5,900
New York City...	Underwear makers.	June 3-.....	215	.....	*5,160
New York City...	Lumber handlers....	Apr. 30-May 28..	200	.....	5,000
New York City...	Cap makers.....	May 17-.....	175	.....	*4,550
New York City...	Stationary firemen..	Apr. 22-June 11..	90	.....	3,960
Newburgh†.....	Carpenters.....	Apr. 8-July 17..	200	.....	†3,500
Binghamton.....	Street railway em-				
	ployees.....	Apr. 26-July 21..	80	.....	†3,000
New York City†..	Enamelware makers.	May 13-23.....	510	.....	2,867
New York City†..	Ice handlers.....	June 26-July 5...	700	.....	*2,800
Buffalo.....	Section hands.....	Apr. 5-16.....	270	.....	2,700
Troy.....	Plumbers.....	Apr. 1-May 4....	80	.....	2,400
Rochester.....	Laborers (railway				
	construction).....	Apr. 11-18.....	350	.....	2,450
New York City†..	Street cleaners (driv-				
	ers).....	June 25-July 1...	†700	.....	*2,300
Albany†.....	Coal handlers.....	May 13-22.....	240	.....	2,160
Yonkers.....	Teamsters.....	Apr. 26-30.....	500	.....	2,000

* To June 30th. † Little or no lost time after June 30. ‡ See narrative in June BULLETIN. § See narrative in following pages. ¶ Later information changes this figure to 914.

A classification of the new disputes according to the principal cause or object in each case, as in the table below, brings out the facts that efforts to advance wages were the prime cause of the quarter's strikes and lockouts. In 60 per cent of the disputes and for 85 per cent of the workpeople directly concerned that was the chief issue.

Cause or Object.	NUMBER OF DISPUTES.					Employees directly concerned
	WON BY—		Com-promised.	Pending or not reported.	Total.	
	Workers.	Employers.				
Increase of wages.....	10	28	26	4	68	32,247
Reduction of hours...	3	2	3	.....	8	1,222
Trade unionism.....	3	6	.....	4	13	1,873
Particular persons or classes.....	3	7	.....	.....	10	606
Working arrangements .....	.....	5	2	.....	7	949
Sympathetic.....	.....	2	.....	.....	2	540
Miscellaneous.....	1	2	1	.....	4	213
Total.....	20	42	32	8	112	.....
Employees directly concerned.....	4,271	6,179	20,156	7,044	.....	37,641

In respect of results, employers won complete victories twice as often as did the workpeople, and of the latter the number of those who suffered total defeat exceeded the number of those who were completely successful by over 40 per cent. Two things in connection with the figures for compromises in this quarter must be considered, however, in order to properly judge of results. In the first place, it is to be observed that most of the compromises were in disputes concerning increase of wages and in such cases a compromise ordinarily signifies some gain for the workers which fact would tend to diminish the weight of the balance in favor of the employers. But on the other hand and of more importance, the longshoremen's dispute in New York City with 15,000 workmen directly concerned is classed among those compromised because 3,500 of the 15,000 actually secured a part of the increase they demanded. But the remaining 11,500 secured no part of their demands and if these were transferred to the column for disputes wholly won by the employers the balance of results in favor of the latter would be much greater than appears from the figures as they stand.

INTERVENTION OF THE BUREAU OF MEDIATION AND ARBITRATION.

NEW ROCHELLE SPEEDOMETER MAKERS.

On March 14th about 100 hands (75 men and 25 women) went on strike at the works of the Jones Speedometer Company at New Rochelle. For some time prior to the above date there was considerable friction between the employees and the management, caused by the latter's refusal to deal with the union representatives, and the dismissal of several workmen for the reason, as alleged by the strikers, that they were members of the union. The Bureau intervened in this dispute and arranged several conferences at which there was full discussion of the matters in dispute. The result, however, was failure to affect a settlement. The plant is being operated successfully and the strike may be considered as having failed.

NEW YORK CITY (QUEENS) AGATE WARE MAKERS.

A strike at the factory of Lalance & Grosjean in Woodhaven began on July 8th, caused by a requirement on the part of the company that the men make out a new form of time slip on which was to be shown the cost of each process of production until an article was finished. On July 11th representatives of the Bureau of Mediation and Arbitration undertook conciliation but without success. On July 12th 400 more men joined the 250 on strike in refusing to make out time slips; but after a week, on July 19th, 500 of the strikers returned to work and on July 22d the others returned, all agreeing to comply with the company's rule in the matter of making out the new form of time slip. The total loss in wages in this dispute is estimated at \$12,000.

NEW YORK CITY ICE HANDLERS.

This strike commenced on June 26th and ended July 5th. For some time prior to the strike there was dissatisfaction among the men, it being claimed that helpers were not always paid their full week's wages of \$12. They state that they were often told that the wagon did not deliver enough ice during the week to warrant the payment of \$12 a week. There were other contentions as to the number of hours to constitute a week's work and shrinkage while ice was undelivered. A committee waited on the manager

of the local branch of the company but got no satisfaction. It was practically for recognition of the union in the adjustment of their grievances that they went on strike.

On June 27th the Bureau of Mediation and Arbitration got in touch with the strikers and the American Ice Company. Mr. Stephen Ferretti, business agent of the union, and Mr. B. Brandon, secretary-treasurer of Local No. 743, United Teamsters of America, requested that a conference be arranged. Mr. Oler, president of the company, refused to meet a committee of the union, but agreed to receive a statement from the men as to what they demanded.

A committee representing the men met at the sub-office of the Department at 114 East Twenty-eighth street, New York City, and drafted the following, which was submitted to Mr. Oler:

"The first proposition is that the American Ice Company will consent to meeting a committee representing former employees.

"The demands are \$16 per week for all drivers, including truck drivers; helpers to receive \$2 per day and bargemen \$2.50 per day.

"A day's work to consist of thirteen (13) hours per day for seven (7) months of the year, as follows: May, June, July, August, September, October and November.

"All allowances for shrinkage on ice shall be as follows: Ten per cent for the following five months: May, June, July, August and September, and five per cent for the remaining seven months."

Mr. Oler refused to consider anything until the men went back to work. He offered to take all the men back and to give them their old routes, etc., and then take up the matter of the grievances complained of. Mr. Oler's proposition was presented to the men and they refused to declare the strike off. On July 5th Mr. Oler agreed to see a committee of three, which consisted of William Brown, G. W. Haines and C. Maisenbecker. At this conference the following agreement was entered into verbally: 1st. The men to call off the strike and all would be taken back and placed on their old routes; 2d. The drivers to receive \$16 per week and helpers \$12; no helper to be paid less than \$12 a week when he worked full time; 3d. A bonus of \$25 to be paid drivers and \$12 to helpers, notwithstanding that under the contract they had waived their rights to same; 4th. That all men who so desired could wear their union buttons when at work; 5th. There would

be no discrimination against the men, and their right to be members of the union would not be interfered with. These terms involved no change in working conditions.

On July 5th the union voted to end the strike, and the following morning the men returned to work. There were 800 drivers and 800 helpers employed of whom 350 drivers and 350 helpers went on strike.

NEW YORK CITY STREET CLEANERS (DRIVERS).

On June 25th about 300 drivers employed in the street cleaning service of the Borough of Manhattan went on strike. The number of strikers varied from day to day but there were in all 914 men who were out at some time, which had the effect of very seriously impairing the service, causing an accumulation of garbage and refuse in many of the streets which in the prevailing high temperature at once became a menace to the public health. The cause of the strike was failure of the workmen to secure satisfactory adjustment of the following demands:

1. That 48 hours constitute a week's work, and that overtime be paid at the rate of 25 cents per hour.
2. That no fines be imposed without opportunity for a hearing.
3. That the schedule of fines be reduced, or a system of suspension be substituted for fines.
4. That men who have had their badges taken away, have them returned.

This Bureau had no knowledge of the dispute until the strike had actually taken place. As soon as it came to our knowledge we intervened and succeeded in arranging a conference between the Commissioner of Streets and the committee representing the men on strike. The Commissioner of Streets insisted that this conference was not official and took the position that under the law and the rules of the Department of Streets he could not deal officially with the strikers and would make no definite promise other than that he was at all times ready and willing to give a hearing to any employee actually in the service of the department. The strikers alleged that they had made several unsuccessful efforts to see him and had never been able to get further than the Deputy Commissioner. The result of this conference was a failure. After several conferences with the city authorities, another

meeting of the Commissioner of Streets and the strikers' committee was being arranged for when it developed that the Central Federated Union of New York City had appointed a committee which had conferred with the Mayor. The chairman of said committee joined the conference which was being held between the strikers' committee and representatives of this Bureau, and suggested that the committee then present call on the Mayor. This was concurred in by the Bureau's representatives and agreed to by the committee. The meeting between the Mayor and the committee resulted in the strike being terminated forthwith July 1st. The committee reported their understanding of the conference to be, that the Mayor would investigate any complaints properly presented, and, if founded on facts make proper adjustment of the same.

NEW YORK CITY (BROOKLYN) TEAMSTERS.

A strike of 14 teamsters employed in a Brooklyn factory commenced on June 28th and ended July 31st. The cause of the strike was a demand on the part of the men through the union for an increase of drivers' pay from \$13.00 to \$15.00 per week for men who were driving teams and from \$9.00 to \$12.00 per week for men who were driving single horses, recognition of the union including the right of the delegate to arrange with the employer as to hours of work, etc., wearing of the union button, and the signing of a trade agreement. On July 29th the Bureau undertook conciliation and secured the following proposition for the consideration of the men: compensation of drivers to be \$14.00 per week; drivers absent without due notice, or reporting late, to be paid at the rate of \$13.00 per week; no union or delegate of the union to be recognized in the employment of men; the men who loaded the wagons and went out in sympathy with the strikers to be taken back to work; and workmen to be permitted to wear the union button. These terms were accepted by the men and the dispute was thus settled.

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WEST SENECA BLACKSMITHS AND HELPERS.

On request of the business agent of the union of blacksmiths and helpers on July 17th we undertook conciliation in this dispute

which had its origin June 11th. Investigation demonstrated the situation to be that immediately following a meeting of the union, at which it was decided to ask for a general increase in wages in the Buffalo territory, the Lackawanna Steel Company dismissed about one-half of its force of blacksmiths alleging economic reasons therefor. The union looked upon this action as intended to forestall the demand for an increase in wages and ordered all of its members, 49 in number, on strike. At a conference with the management on July 20th, the employers' representative stated that they had all of the help required in this department and that so far as they were concerned the strike had terminated and, therefore, refused to open negotiations relating to this dispute.

ARBITRATION BETWEEN NEWSPAPER PUBLISHERS AND COMPOSITORS OF NEW YORK CITY.

The first real test of the practicability of the new plan of arbitration of the American Newspaper Publishers' Association and the International Typographical Union was recently made in the scale contention between Typographical Union No. 6 and the local branch of the publishers' association in New York City.

This amended arbitration agreement, which went into effect on May 1st, last, and is to continue until 1912, provides that within thirty days after a subordinate union has made a detailed demand for a change of scale, or within sixty days after a publisher has made a similar demand, the two parties in interest are obliged to have a conference, the object of which is conciliation, and every effort is required to be made to effect a settlement. In the event of failure to agree each party must then prepare a statement of the conditions that it seeks to establish and forward copies thereof to the Commissioner of the American Publishers' Association and the president of the International Typographical Union (accompanied by a letter of transmittal, to be signed jointly by the parties affected, certifying that they are acquainted with the contents of both statements. The Commissioner and president shall thereupon determine the questions or subjects which can be properly submitted to arbitration. In case these two officials cannot agree their differences are immediately referred to the National Board of Arbitration for adjustment. Within ten days after the ques-

tions to be arbitrated have been fully determined a local Board of Arbitration may be formed, two members thereof to be named by each side, the board as thus constituted to select from among its members a chairman and secretary. If, within an additional twenty days, it is found impossible to reach an agreement the case shall be at once referred to the National Board of Arbitration, consisting of the three members of the executive council of the International Typographical Union and the three special standing committeemen of the American Newspaper Publishers' Association, or their proxies. If either party to the dispute refuses to accept and comply with the decision of the National Board of Arbitration all aid and support to the resistant employer or local union shall be withdrawn by both parties to the agreement and the acts of the recalcitrant publicly disavowed.

The amended plan differs materially from previous methods of arbitration in the printing industry, in that it eliminates a fifth member, or umpire, of a local board and a seventh member nationally. Under the old system objection had been urged against this additional member, or chairman of the arbitration board. It had been repeatedly pointed out that this arbiter was usually "taken from walks of life where there was little knowledge of newspaper management and composing-room conditions that are essential to a fair adjustment of a proposed wage scale in controversy." Speaking of the modified plan, Mr. James M. Lynch, president of the International Typographical Union, says that

"in its general scope this is the form of arbitration that has given satisfaction in England and in all instances where resorted to in this country. It permits of the broadest form of arbitration, and thus guarantees industrial peace to the parties to such a contract. Men engaged in the industry covered by such an agreement themselves adjust their differences without the aid, advice or assistance of outside parties whose knowledge of the subject at best is but academic and theoretical. It may be asserted that these evenly-balanced tribunals may deadlock and disagree, but experience proves the contrary. The arbiters approach their task with the knowledge that industrial peace depends on their ability to weigh impartially the evidence and facts making up the case presented for their consideration, and to reach a verdict in accordance with the circumstances and conditions. There can be no shifting of responsibility, so far as the national board is concerned, to other shoulders."

In the adjustment of differences between parties to the agreement the National or Local Board of Arbitration is governed by the following rules:

- "1. It may demand duplicate typewritten statements of grievances.
- "2. It may examine all parties involved in any differences referred to it for adjudication.
- "3. It may employ such stenographers, etc., as may be necessary to facilitate business.
- "4. It may require affidavit on all disputed points.
- "5. It shall have free access to all books and records bearing on points at issue.
- "6. Equal opportunity shall be allowed for presentation of evidence and argument.
- "7. The deliberations shall be conducted in executive session, and the findings, whether unanimous or not, shall be signed by all members of the board in each instance.
- "8. In event of either party to the dispute refusing to appear or present its case after due notice, it may be adjudicated in default, and findings rendered against such party.
- "9. All evidence communicated to the board in confidence shall be preserved inviolate, and no record of such evidence shall be kept, except for use on appeal, in which case inviolability shall be preserved."

It was on March 3d that Typographical Union No. 6 remodeled its scale of prices for newspaper printers, and it then resolved to put the proposed schedule into effect on May 1st following. This scale called for the payment of \$6 per diem to members employed either in the daytime or night on morning newspapers and \$5.50 per day to those engaged on evening newspapers. The existing minimum rates were, respectively, \$4.50 and \$4 per day. The scale for a third shift, the seven hours' working time for which is between 2 A. M. and 10 A. M., was placed at \$6.25 daily, an advance of 25 cents, while members employed on evening newspapers publishing Sunday editions could not accept less than \$5.70 per day and on Saturday night, the price was fixed at \$6.50. Under the bill of prices that prevailed at the time the demand was made rates for this class of work were \$4.33 $\frac{1}{3}$ and \$5, respectively. For compositors called to work at or before 5 o'clock A. M. a charge of \$2 extra was ordered in addition to overtime, and when beginning operations at or before 7 o'clock A. M. \$1 extra, besides overtime pay. Members called to work on Sundays or holidays between 8 o'clock A. M. and 6 o'clock P. M. on evening newspapers issuing Sunday editions to be paid at the rate of \$1 per hour, but in no case to receive less than a day's compensation. Wages of extras in machine offices to be 50 cents above the regular daily scales. The minimum of competency of lino-

type and other machine operators was established at 22,500 ems per day of eight hours. It was further provided that on all matter set for daily newspapers proof shall be read and copy held by members of the union. An advance of from \$1.50 to \$2 per week for machine tenders was also proposed. Up to the time of the reconstruction of the scale the union had no rules governing the employment and instruction of apprentices in newspaper establishments — in truth, neither proprietors nor union cared to assume the responsibility of teaching the trade to boys in these busy workshops. To give such newspapers as might desire it the privilege of hiring apprentices the union in its new regulations allowed a ratio of one to every twenty men or a majority fraction thereof, not more than four to be permitted in any office, they to serve five years and to acquire knowledge of all branches of newspaper work in composing-rooms.

The new schedule was submitted to the local publishers' association, several informal conferences were held by the officials of both organizations, and on April 29th a formal detailed counter proposition for a continuation of the prevailing scale, hours, working conditions and regulations, excepting in several specified instances, was submitted by the employers. These were, that all work done between 6 o'clock P. M. and 6 o'clock A. M. (subject to the third-shift provision) shall be night work, and labor performed between 6 A. M. and 6 P. M. (subject to the third-shift provision) shall be day work; the rate for night work to be not less than \$27 per week and for day work at least \$24 weekly, eight continuous hours to constitute a working day or night. Men doing day work for evening newspapers publishing Sunday editions to receive \$24 per week (exclusive of Saturday night) for eight hours continuous service daily, and on Saturday night \$5 for eight consecutive hours. Overtime to be paid for at price-and-one-half per hour of night rates for night work and one-and-one-half of the day scale for extra work done in the daytime. The scale for third-shift men to remain at \$30 per week, but their daily hours to be increased from seven to eight. Offices to have the privilege of using (without reproduction in type) plates, matrices or cuts furnished by general advertisers under contract.

As an agreement could not be reached in the conciliation proceedings the publishers' national Commissioner and the International Typographical Union's president were so notified, and these officials on May 23d designated the disputed points that were subject to arbitration by local arbitrators. This board, which met on June 3d, consisted of Messrs. Don C. Seitz (as chairman) and S. S. Carvalho for the American Newspaper Publishers' Association, and President James J. Murphy and Secretary-Treasurer Charles M. Maxwell (as secretary) for Typographical Union No. 6. Mr. Marsden G. Scott represented the union and Mr. Ervin Wardman the publishers at the several hearings before the board.

The union's spokesman, in opening, stated that the demand for an increase in the newspaper scale of prices was based on three principal counts: (1) "that our members never have received their fair share of the profits derived from the enormous product of the typesetting machines;" (2) "that the demand is justified because of the greatly increased cost of living expenses, such as higher rentals, increased prices for all meats and provisions, and the greater cost of clothing, fuel, etc.;" (3) "that the demand for an increase is justified because of the fact that the newspaper scale of prices has remained at a standstill for more than fifteen years, while other wage earners in practically every other skilled trade have secured shorter hours and increased wages, because of increased production in some instances, but in most cases because of the universally recognized fact that the cost of living has greatly increased since the adoption of the existing scale of prices for newspaper compositors." As proof of his contention Mr. Scott introduced a mass of documentary evidence and presented a lengthy argument favorable to the union's side of the controversy. "All compositors should share in the product of the machine," he contended. "The fast man makes up for the slower one or for one who is handicapped by lack of opportunity. The fair method seems to us that all should benefit — not merely a few. That is our idea of the square deal. Four years ago the publishers told us that this increased product of the typesetting machines had been given to the public. We have no desire to influence or control the practical philanthropy of the owners of the newspapers of this city.

But we do believe that a small portion of the increased product should go to those who are directly responsible for it, in order that they may have an incentive to further increase the product and thus enable the newspaper publishers to be still more generous to the public." Mr. Scott declared that before the introduction of machines a compositor could set on an average of 8,800 ems in eight hours, while under the improved method of composition he offered in evidence a string of "dupes" measuring 55,800 ems that recently had been produced by an operator in eight hours. Citing three large composing-rooms as an illustrative example he showed that in one 60 percent of the men wore glasses, in another out of a total of 62 compositors 30 were required to wear them, and in the third 70 in a total of 153 had to use them. In explanation of this condition of the eyes of machine operators the speaker said:

"Our members are compelled to use their eyes five and six times as much as under the hand system. The strain of reading five or six times as much copy as formerly under artificial light has brought the inevitable result, which represents a part of the price our members are paying to make these machines a financial success. We also contend that the introduction of these machines has been a source of loss to our members. Go into any newspaper composing room in New York and you will find mostly young men or men still in their prime operating the machines. The operator who has passed the age of 50 is so exceptional as to occasion wondering comment. There is a reason, as our members too well know, for this state of things. The introduction of machines shortened by fifteen or twenty years the working life of many of our members. Before they came white-haired veterans were familiar figures in the trade. At hand composition they could not set as much as in earlier years, but, working as they did by the piece, this fact did not mean a loss to the employers, and so they were permitted to retain their places. However, with the introduction of the machines and payment of the operators on a time basis, these veterans found themselves deprived of their source of livelihood. They were too old to learn to operate the machines, and so, wherever they could, they drifted out and into the book and job trade. But small was the number who made that harbor of refuge. Few, indeed, were able, even at the outset, to find and retain employment, and comparatively few are now tolerated even as substitutes. Common humanity demanded that our younger and more fortunate members should not allow these older men to starve in the street, and to meet this problem our union established an out-of-work fund and decreed that it should be maintained by a permanent assessment on the earnings of the members. Payment of benefits from this fund began on October 1, 1893, and have been continued to the present time, with the sure prospect that need for them will exist for years to come."

He asserted that since the union began paying these out-of-work benefits it had disbursed \$491,659.51 for the relief of its unemployed members. From federal and state statistical reports, as well as from newspaper articles, he quoted the advances that had been made in the prices of the necessities of life, and submitted figures collected from a number of rent-payers to demonstrate the extent to which rentals had increased in recent years. He submitted a long list of other trades in the city that had obtained wage increases in fifteen years, detailing the amounts of such advances, and called attention to the fact that book and job printers in the metropolis had had their rates raised three times during that period. Respecting the difference between the wage scale of newspaper printers and that paid to job compositors Mr. Scott explained that "the newspaper proprietor enjoys privileges not open to the job proprietor, and if we are to accept the contention of the publishers that the value of the services rendered is the only thing to be considered, then we feel justified in discriminating against the newspaper, especially in favor of the jobber. Any one with a few hundred dollars can start a job office, and the swarm of garret rookeries is the best evidence of that fact. A concern investigating a large capital must take into consideration the vastness of the mighty competition to which it is subjected. On the other hand, the huge amount of money required to engage in daily newspaper publication tends to limit possible competition." He also remarked that compositors in many other cities in the country had secured higher pay.

"We next take up the question of the increase in the various offices and how the number of men would be affected," continued Mr. Scott.

"In considering the amount of the increase demanded several factors must be taken into consideration. The publishers may speak of our demand as an increase of 33 1/3 per cent. No doubt they will characterize it as exorbitant, unprecedented, and perhaps ridiculous. Careful analysis will prove to the contrary. Statistics gathered from the various newspaper offices show that at the present time two-thirds of the employees of these composing rooms are receiving above the present scale. Referring to those members of the union receiving more than the scale, we quote from a letter written by the Right Rev. Bishop Frederick Burgess, chairman of the Board of Arbitration of 1903, as follows: 'This higher rate is presumably paid for more skilful and intelligent men. To raise the less skilful men up to this level would be an injustice

to the more talented workman, unless his rate was also increased.' And we quote also from the decision of the Arbitration Board of 1903, as follows: 'The board also directs that no decrease shall be made in the wages now paid employees in composing rooms affected by this decision, where such employees are paid in excess of the scale.' Taking the night scale as the basis for drawing our conclusions, the increase for the man receiving \$27 is 33 1/3 per cent; for the man receiving \$30 it is 20 per cent; for the man receiving \$33, it is less than 10 per cent. And why are these men receiving above the minimum scale? The chairman of the 1903 board expressed his opinion that they are more skilful. There is no sentiment in this particular point at all. It is a matter of dollars and cents to the publisher. He has learned that other employers are willing to pay more than the minimum scale to secure the services of extra competent workmen. While it is true that in practically every newspaper composing room men are receiving above the scale, it should not be imagined that the publishers exerted any superhuman effort to bring about this condition. On the contrary, most of them hesitated many months—some of them hesitated years—before taking this step, and some of them are still hesitating. To offer an increase on the minimum scale and ignore the fact that those receiving more than the scale also have been called upon to meet the increased cost of living, would be absurd. The publishers may argue that by raising the minimum scale the maximum rate will eventually adjust itself. If this is true, why delay? Why not do it now? The union has aimed to obtain an increase for all receiving less than \$6 for night work. The publishers may argue that this is an exorbitant price, but we ask the members of this board to carefully consider the unusual hours which these men give to their employers. The night worker begins his labors, say at 7 p. m. He must leave his home, in most cases, two hours before that time. He works under glaring electric lights and in an atmosphere saturated with the smoke and fume from the metal pots of the typesetting machines, while the rest of the world is sleeping, as nature intended. These men are straining their eyesight, their brains and their muscles in an unhealthful atmosphere to set type for the morning newspapers. At 3 a. m., if there is no overtime, the night worker starts for home. He sleeps till noon or later, while the rest of the world seems determined to awaken him as often as possible. No statistics are necessary, no argument is necessary, to establish the unhealthfulness of this occupation. One evening in seven the night worker is permitted to spend with his family. His children are asleep when he reaches home in the morning; they are at school when he is at home in the afternoon. He lives a life practically apart from his fellow-men, except those with whom he is directly associated. His social life is restricted to this one night in seven."

The union's representative took up each counter-proposition submitted by the publishers and presented his reasons why the changes demanded should not be sanctioned by the board. In conclusion he discussed the ability of the employers to meet the advance asked for by the union, and quoted statements printed in a number of local newspapers detailing large increases in advertising

patronage as well as in circulation. "These statements are direct and emphatic," said the speaker. "They tell the story of phenomenal gains in circulation and vast increases in receipts from advertising. These prove beyond question that these newspapers are prosperous — that they are constantly increasing their revenues and that the end of each year finds them more prosperous than at its beginning. All this, we contend, demonstrates the ability of these newspapers to meet this increase in our wage scale without in any way inflicting a hardship on their owners. From their own statements we have shown their prosperity. And those statements, made freely, repeatedly and voluntarily, must be accepted as true by this arbitration board unless they are controverted by equally direct testimony."

Mr. Wardman, for the publishers, began his argument with the declaration that "the publishers do not concede that the cost of living establishes the value of labor in the markets of the world. We do not believe that the members of the skilled trades are any more anxious to prove and enforce any such principle than we are, because they would shatter in that way the whole theory of the high wages that are paid to skilled labor. The fundamental and natural law that is inviolable, that establishes the value of a man's labor in the markets of the world, is the value of the services rendered. If it is not, then we have got to revise the whole scheme, and the man earning a dollar a day can claim that he is entitled to the same pay as the man who earns five dollars a day, because his cost of living goes up just the same as the other man's does. In fact, it goes up relatively much higher, because it consumes a vastly larger percentage of his income." To combat Mr. Scott's conclusions as to the extent of the increased cost of living Mr. Wardman drew attention to a table in Bulletin No. 65 of the United States Bureau of Labor, "which shows exactly how to find out what it costs a man to live under varying prices," he said.

"This table not only shows what it costs the normal family of good income to live in the United States, but it shows what it costs the family to live in the various geographical divisions, so that Mr. Scott might have found exactly what it costs the normal family to live here in these North Atlantic States. Now in 1890 it cost the normal family of about \$832 income — \$330.35 for his food. In 1905 it cost him \$362. The lowest period of prices in this country was 1896. Prices were low then, because so many wage-earners in

the United States were out of work that there was no buying power — no purchasing power, as we call it in the market, for anything that anybody had to sell. In 1896 and 1897 they were pretty much the same. It cost the normal family \$313.23 a year to provide the food for its table. The comparisons between all these years are given, the differences figured out in this way: In 1905 it cost that family exactly \$32 more to buy its food than it did in 1890. It cost it \$29 more than it cost it to buy its food in 1891. It cost it \$32 more to buy its food than in 1892, and \$25 more than in 1893, \$42 more than in 1894, \$46.50 more than in 1895, \$49 more than in 1896, \$49 and a fraction more than in 1897. Now, I don't think anybody will maintain that the correct way to measure the difference in the cost of living is to take the very lowest period in this country's history and claim that that ought to be the standard, for God knows none of us want to go back to the conditions that made that standard. We did not hear so very much about the high cost of living in 1890 or 1891, or 1892, or 1893, when this scale went into effect. The average for those years was \$332.61 to the family. The average for 1905 was \$362. The difference was \$29.39 in favor of that period. These figures of the government are based on an income of \$834.83 a year. The actual increase percentage, increase of \$362, the cost of the family living in 1905, and \$332.61, the cost of living for the years 1890 to 1894 inclusive, is 9 percent. Mind you, that is 9 percent increase of its previous cost of living — not of its expenditures, much less of its income. Based on an income of \$834.83, from which these tables are formed, that increase is only $3\frac{1}{2}$ percent of the income. As a man's income runs up the percentage that he spends for his food, as compared with all his expenditures, runs down. Then, when you get to a man of an income of \$700 or under \$800 the percentage has declined to 41 plus. When you get to a man of an income of a thousand dollars or under eleven hundred, the percentage has declined to 38.79. When you get to a man of an income of twelve hundred dollars, the percentage has declined to 36.45. And, as I have reminded you before, this percentage of 36.45 is not a percentage of his income in the tables mentioned by Mr. Scott, but of his expenditures. We have shown that the actual increase in the cost of food that a family consumes was 9 percent over the average for four years from 1890 to 1893. This equals less than 3 percent of the income. Now, on page 188 of the same government report, food is to rent, fuel and light as 42.5 is to 18.25; or in other words, food costs two and one-half times more than rent, fuel and light. Therefore, if the increased cost of the family's food is \$42.30 a year, the rent, fuel and light would be about \$17 a year, or the total of the two, \$60 a year, or between $4\frac{1}{4}$ or $4\frac{1}{3}$ percent of the income."

Referring to some of the trades that had been mentioned as having advanced their wage rates, Mr. Wardman said that

"you will find that the most of these men who are getting a scale of \$4.50 a day or \$4 a day, or in the case of bricklayers, \$5.60 a day, are not earning and are not receiving as much per week, per month and per year as compositors, who receive only \$4.50 a day on the scale. You will notice that these higher day scales seem to apply to men whose regularity of work seems to be put in hazard by the weather — that is, those who are affected by not only

the snow in winter and the rain in summer, which drives them off from work, but by even frost, in the case of stone masons, where builders do not consider it safe to set the masonry in the frost. Those wages will figure out as the weekly earnings—the weekly income of these men who appear to get a very high scale at something that is considerably lower than any for which our men would care to work, care to receive in a week or be in the habit of receiving. When you are comparing trades the best thing in the world you can do is to compare a printer with a printer, just as you would compare a blacksmith with a blacksmith, and when you strike the comparison of the job offices—and I speak now of the scale of the newspapers—the discrepancy already existing in favor of the job offices is simply enormous and works injury to the newspapers, and I believe to the compositors employed on the newspapers because it makes it so difficult for us to do business. And now the compositors propose further to increase that discrepancy.”

He then considered seriatim the various sections of the union’s projected scale and the publishers’ counter proposition. “On the proposed increase on the part of the union to \$6 a day, and that men employed in the daytime shall receive that same rate,” he said, “I do not think that it is necessary to add anything to what I have said to our argument that it is the desire of the publishers to have the compositors meet us in wiping out this illogical, absolutely indefensible, from the point of view of logic, provision by which a man is paid an extra compensation for doing work in the night time, because it is more difficult to work at night or less pleasurable to work at night, but that if the same man shifts in the same office where he works in the daytime, that he gets the same excess compensation. It seems to me that the thing is perfectly obvious as an injustice, and there is not anything that anybody can add to it to make it stronger. The publishers are very insistent that full and due deliberation shall be given to the question of thirty minutes for lunch. We are convinced that this does not work out on the whole to the interest of the newspapers. So far as we know we are the only business in the skilled trades that pay wages when men are not at work. If an employer is entitled to anything in the world he is entitled to the hours that he pays for, just as he is entitled to the property that he pays for when he buys a house. We want to wipe out that provision of paying men for thirty minutes for lunch. We want to have the wage represent, as it does in all other trades, except the newspaper business, the rate per hour for the time worked. Everything that we have said applies with equal force in so far as the conditions relate merely to afternoon and evening scales and the lunch hours and the handling of morning matter in the daytime. The latter part of that provision, ‘when called to work at or before 5 A. M., \$2 extra shall be charged in addition to the overtime, and when called to work at or before 7 A. M., \$1 extra shall be charged in addition to the overtime,’ is a matter that I do not think calls for any debate before the board. I will let that come up without any remarks to bother the record or anybody. I think the board won’t require any.”

As to section 19 of the union scale, that “on all matter set in daily newspapers proof shall be read and copy held by a member

of the union," Mr. Wardman announced that, although the publishers' national commissioner and the president of the international union had decided that the paragraph was not arbitrable, "the newspapers take exception to their ruling. They think it ought to be arbitrable, but since it has been decided that it is not, we cannot really argue the provision under the requirements of our code. I do desire, however, on behalf of some of the members of the association, to protest against the change regarding copy reading which compels a newspaper apparently to proof-read all copy under any and all circumstances. I ought to say in all fairness that, while this protest is made on behalf of a principle, we have no doubt that the union will not prevent railroading of matter under an extreme emergency." He declared that the publishers regarded as one of the worst provisions of the scale the minimum of competency. "There is absolutely no reason for it," he said, "if the contention of the other side is sound, that the men can do and do on the regular scale vastly in excess of this minimum. If the minimum is put in there to protect the men from persecution, as has been stated here, the way to protect them is for the board to draw a provision that will not allow them to be discriminated against in the kind of matter that would be set to determine the competency." Mr. Wardman concluded his argument with these words:

"We have shown you that the increase of the cost of production has gone up enormously for the newspapers. Mr. Scott has tried to show how we are better able now to pay these unreasonable exactions, and to meet these economic extortions than we were before. We have shown you that there is a loss in the circulation that he presented as an evidence of increased net income. We have shown you that the enormous volume of increase in the volume of advertising does not represent profit. We submit to you, that the thing for this board to do is to sit down and put their heads together and try to work out some kind of a scheme by which we can all benefit. What is the use of hanging onto a relic of barbarism? They tried this thing in England, of tying up capital so it would not work. They did not create any more work for the men—they created less. They exterminated their own capital and they exterminated their own labor, and you have got Germany to-day selling haberdashery in every shop in England, and the Englishman can not make it any more. They tried that thing in England, and because it destroyed wealth, because it went right to the fundamental roots of the economic problem, in England, the streets of London to-day are crowded with people rioting because they can not get work. They can not get work because they have been busy destroying the wealth that was employed at one time

in industry. You can keep on trying it here until doomsday and you can not work it out. The only way you can work it out is to increase the wealth; you can not work it out any other way. It is an economic law. It is a natural law. It is a fundamental law. It is the law of God. It is inviolable, and no labor union, no newspaper, no high financier, nobody on the face of this earth can work out that natural law of the production of wealth, and when you destroy it, as you men are destroying it you are chopping out your own hearthstones."

The hearings before the board lasted until June 14th, having consumed five days' time, and on June 17th the arbitrators held their first executive session, but after several days' discussion their efforts to effect a settlement proved futile. The national officials were thereupon apprised of the disagreement and on July 16th a meeting of the National Arbitration Board, consisting of Messrs. Herman Ridder of New York, H. N. Kellogg of Chicago, and Bruce Haldeman of Louisville, for the American Newspaper Publishers' Association, and James M. Lynch, Hugo Miller and J. W. Bramwood, for the International Typographical Union, was held at Indianapolis, Ind., to consider the New York City scale contention. After sessions extending over three days the board reached a decision on all but two points in dispute. By the terms of this decision the minimum scale for newspaper employees under the jurisdiction of Typographical Union No. 6 was increased 66 $\frac{2}{3}$ cents per day, making a rate of \$4.66 $\frac{2}{3}$ for day work and \$5.16 $\frac{2}{3}$ for night work. The arbitrators decided that "men employed at day work for morning newspapers shall receive day rates, subject to third-shift provision. Men employed at night work for evening newspapers shall receive night rates, subject to third-shift provision." The scale for the third shift was fixed at \$5.66 $\frac{2}{3}$, but the daily hours for this shift were increased from seven to eight. The eight-hour day in each instance included thirty minutes for luncheon. Members of the union employed on evening newspapers publishing Sunday editions were advanced to \$4.83 $\frac{1}{3}$ per day, and \$5.66 $\frac{2}{3}$ of seven continuous hours, including thirty minutes for luncheon, on Saturday night. No changes were made in the rates of machine tenders. The minimum of competency of machine operators was fixed at 24,000 ems per day of eight hours. The regulations pertaining to the employment of apprentices were approved.

The two disputed points mentioned above were referred by the national board to Messrs. Herman Ridder, Ervin Wardman and James J. Murphy for adjudication. The first of these sections provided that "when men called to work at or before 5 A. M. \$2 extra shall be charged in addition to the overtime, and when called to work at or before 7 A. M. \$1 extra shall be charged in addition to the overtime." This special board has decided that \$2 extra in addition to overtime shall be paid to compositors who are called to work at or prior to 6.30 A. M., and after that time until 7 A. M. \$1 extra with overtime pay. On the other disputed paragraph (section 19), which reads that "on all matter set in daily newspapers proofs shall be read and copy held by a member of the union," the special committeemen were unable to agree, and it was recommitted to the national board, which will endeavor to reconstruct it on September 9th.

BUREAU OF FACTORY INSPECTION.

Tables II and IV of the Appendix summarize, numerically the work of the factory inspectors in the second quarter of the year, while Table III shows the number of children's employment certificates issued in cities of the first and second classes. In connection with these statistics the following reprints of circulars issued by the factory inspector this summer will be of use to persons interested.

Letter Addressed to Superintendents of Schools in Certain Cities.

STATE OF NEW YORK — DEPARTMENT OF LABOR,

BUREAU OF FACTORY INSPECTION,

ALBANY, June 12, 1907.

DEAR SIR: Last summer this Department was much embarrassed in enforcing the child labor laws in factories, owing to the fact that a large number of children employed without the certificates required by law were under the impression that employment certificates were not necessary during vacation. In some cases it being found that the children had letters from their school principals or teachers advising employers that they could employ such children during the summer without the children securing working papers. When we came to discharge these children, we found that a very large proportion would have been entitled to employment certificates had they procured the school records to which they were entitled, and they declared with considerable unanimity that they were informed by their teachers that it was not necessary to have such records in order to be employed during the summer. Of course this is all wrong. No child under sixteen years of age may be employed in a factory at any time, during vacations or otherwise, unless it has an employment certificate in conformity with section 71 of the Labor Law, and no employment certificate can be obtained unless the child has a school record as required by section 73 of the Labor Laws.

Therefore, could you not in some way have all the principals and teachers in the schools of your city instructed to advise the children that they can not work during the summer without employment certificates, and that to secure such certificates they must, before the schools break up, procure their school records. By so doing, you will greatly assist this department and prevent a great deal of injustice during the summer months. It would also be well if there could be some way devised by which children who neglect to secure their school records during the school year, could nevertheless obtain them during vacation if the need for them should subsequently arise.

Yours very truly,

JOHN WILLIAMS,

First Deputy Commissioner.

Instructions to Employers of Children.*Children Under 14.*

They must not be employed under any circumstances either in or in connection with a factory, nor allowed to remain in a factory.

Children Under 16 (and Over 14).

They can be employed only if they have New York Board of Health employment certificates.

Certificates of other states or school certificates are not sufficient.

The certificates must be kept on file by the employer at the factory, together with a register or list of such children.

This requirement applies equally to children employed in factory offices or otherwise in any way in connection with a factory.

It also applies during vacations. The certificate is always necessary.

Such children must never be employed:

(1) Over nine hours a day. (2) Before 6 A. M. or after 7 P. M. (3) In running elevators, around dangerous machinery or in polishing or buffing. After October 1, 1907, they must not be employed over eight hours a day or before 8 A. M. or after 5 P. M.

The daily hours of labor of such children must always be posted in the workroom.

Children of Doubtful Age (About 16).

Where it is at all doubtful whether a child be sixteen or not the employer should investigate; for ignorance of a child's age is no excuse for a violation of the law.

He should not accept either a child's statement or its parent's affidavit of its age.

In all doubtful cases a child claiming to be over sixteen should be required to obtain and file with the employer either (1) a birth certificate, (2) a baptismal certificate, (3) a passport, or (4) an old Board of Health employment certificate. That paper should be inspected to see that it belongs to the child and is not bogus nor altered. If no such paper can be produced, New York city employers should promptly notify our New York office and we will either advise further or investigate ourselves; employers elsewhere should notify our Albany office, and we will give them such advice and assistance as may be possible.

Minors Over 16 and Women.

There are also provisions of law limiting and regulating the hours of labor of males between sixteen and eighteen years of age and of females sixteen years of age and upwards: Labor Law, sections 77 and 78. Note recent amendments to those sections to take effect October 1, 1907. After that date a determined effort will be made to enforce their provisions more thoroughly and literally than heretofore.

JOHN WILLIAMS,
Factory Inspector.

Hours of Labor of Women and Male Minors in Factories.

The provisions of Sections 77 and 78 of the Labor Law limiting their hours of labor will be modified by chapter 507, laws of 1907, to take effect October 1st, and by the decision of the Court of Appeals in *People v. Williams*, June 14, 1907. Therefore this explanatory leaflet is issued.

Male minors, i. e. males over sixteen and under eighteen, must not be employed or permitted to work between midnight and 4 A. M.; nor more than six days or 60 hours a week; nor more than ten hours a day except as stated below.

Female minors, i. e. females over sixteen and under 21, must not be employed or permitted to work between 9 P. M. and 6 A. M.; nor more than six days or 60 hours a week; nor more than ten hours a day except as stated below.

Women, i. e. females over 21, must not be employed or permitted to work more than six days or 60 hours a week; nor more than ten hours a day except as stated below. (The provision of section 77 that forbids adult females working before 6 A. M. or after 9 P. M. is unconstitutional and void according to the rule laid down by the Court of Appeals in *People v. Williams*, above referred to.)

Exceptions. Provided that the provisions of section 77 are otherwise complied with, male minors and all females over sixteen may work more than ten hours a day; (a) regularly in not more than five days a week in order to make a short day or a holiday of any of the six working days; (b) irregularly in not to exceed three days a week; but never more than twelve hours a day or 60 hours a week. (Section 78.)

Schedule. A weekly schedule, showing the hours of work of all such persons on each day of the week, must be kept posted in their workrooms, and must not be changed during the week except with the consent of the Commissioner of Labor; and they must not work beyond the hours stated in such schedule. Where it is impossible to fix such hours in advance application should be made to the Commissioner of Labor for a special permit to dispense with such schedule.

Double Employment. A female or a male minor must not be employed in two or more establishments for longer hours than are permitted in one. Whoever employs any such person in a night shift, i. e. after 7 P. M. and before 6 A. M., must use extra care to see that this provision is not violated, for in case of a violation in fact, the employer is then liable, with or without knowledge.

Note. There are separate regulations in section 77 in regard to children under sixteen.

July 1, 1907.

JOHN WILLIAMS, *Factory Inspector.*

Suggestions to Deputy Factory Inspectors on Guarding Machinery.

The practical value of the classification of our accident reports (Table V of the Appendix) lies in the fact that it enables us to determine approximately what class or group of machinery, commonly in use, is the most dangerous, and, therefore, in need of

most careful and thorough inspection, in order, so far as possible, to eliminate the causes of accidents by requiring proper safeguards.

Our BULLETIN affords not only a simple and easy means of conveying ideas to the present members of our force, but, as well, of preserving for future use anything of value which appears therein. It is our intention henceforward to utilize its pages for such purposes. To the end that this new department in our quarterly publication be the more interesting, descriptions of practical home-made safety devices, submitted by our deputy factory inspectors, will be given a place, provided they are deemed of sufficient importance and merit.

We believe it to be the better way to devote our attention to this subject by industries, so as to insure a sufficient degree of coherence to justify the labor which we contemplate spending on this work. No doubt we shall occasionally digress, but in the main the above plan will be adhered to.

Let this be clearly understood at the outset. We assume and we have a right to assume, that every member of our force is sufficiently interested in his work to examine and study our accident statistics; if there be one who is not, then he should forthwith cultivate the habit, for without such study he can not be up-to-date.

TEXTILE MACHINERY.

The machinery used in the modern textile factory is usually well protected, the machine when placed on the market being provided with gear covers, countersunk set screws and other devices whereby the danger of accidents and injury to the operatives is materially reduced. But, old-type machinery without such protection is sometimes in use, and in respect to which the inspector must be on the alert to note defects and insist on the proper remedy.

In cotton weaving and knitting mills the material passes through a variety of machines, some of which are relatively harmless. But it is the work of the Bureau of Factory Inspection to see that every machine in use therein is rendered safe to operate. High-power machinery running at a high rate of speed can not be made absolutely safe without destroying its utility, and manufacturers will invariably and properly object to the installation of devices that

unnecessarily interfere with the productivity of their machines unless it be obvious that such a course would be fully justified on humanitarian grounds.

It is, therefore, the duty of each inspector to advise and show how safety devices can be applied with the least expense and without interfering with the manipulation of machinery. Every order given should be carefully thought out and must be practical and reasonable.

The first machines which come under our notice in this group are the "openers." The cotton is taken out of the bale and passed through these machines. They are comparatively free from danger, provided that gears, pulleys and belting are sufficiently guarded.

Then follow the pickers, spreaders and finishers — through each of which the fiber has to pass. The principal danger-points are the gears, pulleys and belts. If they be properly guarded there remains nothing to be done to insure the safety of the operative. It is, of course, true that injuries are sustained in spite of safety devices. An operative, who undertakes to clean a picker while in motion stands a good chance of meeting with a painful and probably serious accident. It would be almost impossible to prevent accidents of that class, unless a practical locking device be used which can not be opened without first stopping the machine. The foregoing applies also to the carding machines, drawing frames, speeders and finishers. The chief danger lies in exposed gears, unprotected pulleys and belts, and, in overcrowding of machinery. By the latter is meant the placing of too many machines in a given space, thereby reducing to the point of danger the passageways between them. An undue curtailment of space interferes with the proper manipulation of certain parts of the mechanism of these machines, and any such interference adds to the risk and probability of accident. Hence, in a factory where space seems to be of more value than safety, it is the inspectors duty to see that every machine is made so safe that an accident thereon is well nigh impossible.

Spinning machines cause quite a few accidents, many of which are due to the lack of care on the part of the operative. It is difficult really to determine how large a percentage of all accidents

are preventable. It has occurred to the writer that the mule spinner possessed certain elements of danger that are not apparent in the ring spinning machine. The twisting frame of the mule spinner travels outwardly and in many mills the machines have been so located that the frame travels up to within a few inches of the posts sustaining the upper portions of the building. This constitutes a danger that is ever present and the attention of superintendents should be called to the need of readjusting the machines so as to provide sufficient space between the frame and such posts or pillars. The mechanism of the mule spinner is located in the center of the machine and consists of gears, pulleys and rope or band wheels. These should be carefully examined, and, if necessary, orders to guard same should be issued and compliance insisted upon.

The warping machines, looms and knitters have certain mechanical parts that need careful inspection. The smaller parts of these mechanisms are liable to be overlooked on the theory that accidents at such points are improbable. This idea is wrong. A small gear, if exposed, is most dangerous and liable to cause a very painful and serious injury. Shuttles occasionally fly out of the looms. It is difficult to prevent such occurrences, but an attempt has been made to minimize the danger by attaching to the frame of the loom a steel bar placed just above the space traversed by the shuttle. If the shuttle were to take an upward course this bar would deflect it, but whether it is a preventive against accidents is wholly problematical. Therefore, we urge careful observation of this point and the exercise of mature judgment before undertaking to require any changes on these machines.

Belt shifters.—We must insist on their installation wherever practicable. Mill superintendents invariably say that a shifter is neither practical nor necessary on a carding machine. We do not concur in this view. The practice of shifting belts by hand is dangerous even though they travel comparatively slowly. A shifter can be attached to the frame of the machines, between the loose pulley shaft and the upper pulley. This will insure the safety of the card-tender so far as belt shifting is concerned. It will be noticed that when such a device tends to reduce the time

spent in controlling or regulating machines, belt shifters are provided, because it is profitable to do so. It is our opinion that a shifter on carding machines will prove a profitable investment too.

We shall probably have more to say on this group at a later date. Meanwhile, it is hoped that each inspector will be on the alert for new ideas which can be communicated to the other members of our force through this department. JOHN WILLIAMS.

Buffalo Children Employed in the Manufacture of Paper Boxes at Home.

A few months ago information was received by the Department of Labor that an establishment in Buffalo, engaged in the manufacture of paper boxes, had adopted a practice of sending work out of the factory to be done in the homes of the workers. The matter was referred to the district inspector for investigation. It was found that material and machinery — consisting of reels for holding strips of binding paper and shaping blocks — were furnished and installed in the homes, and the workers equipped essentially as is the working force in the factory proper. Deliveries of material and collections of the finished product are made weekly. At the beginning of this new departure, employees of the establishment had material and machinery sent to their homes and other members of the families became interested and were instructed in the method of making paper boxes. The results were not entirely satisfactory, as the quantity produced was limited and only a few of the regular employees could be induced to engage in such overtime work. Large and commodious offices and work-rooms were then opened in the central portion of the city, under a name disassociated from that of the parent concern. Advertising for "Home Workers" was resorted to, experienced hands were put in as demonstrators and the field of operations extended to such an extent that no section of the city was unrepresented in the list of home workers. Prospective workers were taught at the rate of about three hundred per month. At first applicants of all ages were given instruction in the work, including school children, many of whom were under age. On the first visit of the inspector to the central office the provisions of the law were made plain to the management and after that only those over the legal working age were taught by the demonstrators; but they in turn

imparted their knowledge to other members of their families. It is now not an unfamiliar sight to find an entire family circle engaged in this work after supper and up to bedtime.

In accordance with section 101 of the Labor Law a list of 543 names and addresses was furnished by the employer to the Department, of which three hundred and seventy-six were investigated. Owing to the many pressing demands of the service upon the time of the inspector, in other directions, the investigation had to be dropped before it was completed.

The following table shows the result of that investigation:

AGE AND SEX.		Total.	In dwelling houses not tenements.*	In tenements.	Work after 9 P. M.	Work regularly (continuously).	Work only after school or day work	Had stopped working when inspected.
Adults (over 16)	Males.	62	57	5	3	1	46	15
	Females.	475	416	59	10	26	329	120
Children 14-16.	Males.	31	29	2	5	.....	19	12
	Females.	60	56	4	3	.....	39	21
	Sex not given.	2	2	.....	.....	.....	.....	2
Children 10-13.	Males.	46	42	4	1	.....	34	12
	Females.	54	54	.....	4	1	36	17
	Sex not given.	3	3	.....	.....	.....	2	1
Children 7-9.	Males.	8	7	1	.....	.....	5	3
	Females.	10	9	1	3	.....	8	2
	Sex not given.	1	.....	1	.....	.....	1	.....
Children under 7.	Sex not given.	2	2	.....	1	.....	2	.....
Totals....		754	677	77	30	28	521	205
Total addresses tabulated.....								340
Total addresses "moved"—(not tabulated).....								34
Total addresses not found—(not tabulated).....								2
Number cases contagious disease in workroom.....								1
Number unclean tenements.....								1
Number unclean workrooms in dwellings not tenements.....								2
Number of children 14-16 with employment certificates:								
Males.....								6
Females.....								6

The following facts shown by this table deserve consideration: The small proportion of males engaged in this work, and the increase in that proportion in the younger ages; the small proportion

* One factory building included.

of the workers who reside in tenement houses; the large proportion of those who dropped the work soon after undertaking it; and the large proportion who engaged in it only as a supplemental occupation or after school. It should be explained in this connection that there is no law specifically forbidding home work by children after school. One conclusion indicated by this table is that the tenement labor law (Labor Law, Article VII), which by regulating labor conditions in tenements, aims to safeguard the sanitary conditions surrounding home work, while it adequately fulfils that purpose in New York City, leaves the greater proportion of home work in Buffalo and like cities, where it is in dwelling houses, entirely unregulated. But on the other hand, it should be added that the investigation does not indicate any pressing need for such sanitary regulation. It might perhaps be inferred from the fact, that although the investigation was made promptly yet 205 workers out of 754 had already abandoned the occupation, that this plan of sending out work into the homes was proving a failure; but it seems equally probable that it merely shows how quickly changing is the personnel of such classes of operatives.

FACTORY LAWS AND THE COURTS.

The frequent recurrence of decisions adverse to the constitutionality of labor laws has aroused in certain quarters criticism of and antagonism towards the courts and some despair of properly protecting labor under our constitutions. And the way in which one decision, which held in part unconstitutional a law limiting hours of labor on public works, was avoided by amending the state constitution has established a precedent, that causes a growing element in the community to look to a frequent repetition of that process as the only remedy for many evils.

The constitutional provision with which attempted legislative regulations relative to labor in factories have most frequently come in conflict, is that clause, contained in both the constitutions of the United States and of the State of New York, which provides that no person shall be deprived of life, liberty or property without due process of law. Liberty, which is the term with which we are particularly concerned, is defined as the right to be free in the exercise of one's faculties, subject only to such restraints as are necessary for the common welfare. Due process of law, as applied to legislation, is defined to mean that all enactments must be in conformity with the settled maxims of our system of government, of which those concerning and defining liberty are the most fundamental. According to them for a statutory regulation in restraint of individual liberty to be due process of law and constitutional, it must be reasonably necessary for either the public health, the public safety, the public morals or the common welfare. As it is the purpose of written constitutions both to limit the powers of legislatures and to protect individuals against the changing opinions of temporary majorities, it follows that it is proper and necessary for the courts, in passing upon the constitutionality of any and every act in restraint of liberty, neither to be governed by any declaration of a legislature as to its purpose, nor to be swayed by popular passions or desires, but for themselves to inquire into all the facts and circumstances and by the test of constitutional principles alone

to decide whether or not it be due process of law; and if not, to hold it to be in violation of the constitution — which is the supreme law — and therefore void. In deciding this question the courts uniformly act upon a presumption that an act of the Legislature is valid unless its unconstitutionality clearly appear; but it need not be apparent from the title or expressed purpose of the act, but may be looked for in any of its terms and provisions. They also recognize that the particular regulation to be adopted rests in the discretion of the Legislature; but on the other hand they hold — and logically must hold if the constitutional provision is to be of any effect — that it must be at least reasonable for its purpose, must not arbitrarily discriminate between different classes or persons, and must not be arbitrarily or unreasonably extended to persons or acts not affected by the necessity for regulation, nor otherwise made disproportionate to the necessity.

The principal difficulty in applying these principles to regulations purporting to be for the public health — in which class fall a large proportion of factory laws and to which branch of the subject space requires that this discussion shall be confined — lies in determining whether or not a proposed regulation be in fact reasonably necessary for that purpose. In determining this question the courts take judicial notice of the common belief of the people, of generally admitted facts, and of the prevailing doctrines of science, and have uniformly sustained properly framed health regulations supported by any of them; but, with some doubtful exceptions, they have disapproved of regulations supported only by individual opinions (although numerous and loudly voiced), or based upon scientific hypotheses or social or economic theories. Between these two extremes, however, there necessarily lies a zone of uncertainty where it is hard to apply these principles and which is therefore marked by conflicting decisions.

The propositions which the writer desires to advance for the consideration of readers of the BULLETIN are, that adverse criticisms of the courts on account of their decisions on labor legislation are generally unmerited, that such decisions (of the United States and New York courts at least) have not shown any lack of sym-

pathy with the general objects of labor legislation and have not prevented but rather have aided and guided in the construction of proper labor regulations, that the statutes that have been set aside have been defective, in the majority of instances, because framed in ignorance of or with heedless disregard for constitutional principles and therefore that the single fact of their unconstitutionality is no evidence that their legitimate objects can not be accomplished by statutes drawn in conformity with constitutional requirements, and — in general — that the constitution does not stand in the way of necessary factory regulations. It is true that there are many possible regulations conducive (but not necessary) to the public health and welfare, which are not permissible under a free form of government, and for that reason we can not copy literally some beneficial factory regulations of other countries. . But their objects may be in greater part attained in other ways; and the balance is so small as to be a trifling price to pay for our constitutional guaranty of liberty. Therefore a patient trial of clearly constitutional regulations should in fairness and common sense precede any attempt to stretch or any agitation to amend the constitution or any reasonable discontent with its restrictions upon legislative powers.

As illustrations of how far regulations in restraint of liberty for the protection of labor have been sustained, it may be cited that the New York courts have held that minors under 21 years of age are wards of the state and subject to regulation in the discretion of the Legislature without limitation by the liberty clause of the constitution, that laws forbidding unnecessary Sunday work are valid and that the hours of labor of all classes of employees in distinctly unhealthy occupations and in occupations where the safety of the public is involved may be limited, and have enforced without question laws that require cleanliness, sanitary conditions, reasonable conveniences for comfort and safeguards against danger in work places, etc.; and that the lower courts — the question never having been carried up to the higher courts — have sustained the law limiting the number of hours that women may labor in factories.

In the following discussion of four leading cases, in which New York factory laws have been held unconstitutional, it will

be attempted to point out their defects and to explain how the consequences of their nullification are little to be deplored from the practical standpoint of factory inspection.

In 1884 an act was passed prohibiting the manufacture of cigars or tobacco on any floor of a tenement-house, used for living purposes, in cities with over 500,000 inhabitants. The title of that act declared that it was "to improve the public health." But the court looked beyond the title and held that the regulations imposed by the terms of the act were not for the public health. (*In re Jacobs*, 98 N. Y. 98.) This decision has been much criticised, because seriously bad sanitary conditions then prevailed in tenement-house shops and their total prohibition would have benefited the public health. Yet the decision was both correct and beneficial. For the clear purpose of the act was not to protect health, but to stop home industries in competition with factory work in the tobacco trade, without regard to sanitary conditions; and if the principle of that act had been sustained, the next step might have been to prohibit arbitrarily the manufacture of tobacco in all cities with over 500,000 inhabitants. And this decision has not prevented proper sanitary regulation of the manufacture of tobacco or of anything else in tenement-houses; for there are now in full force and effect laws prohibiting the manufacture of certain specified articles liable to communicate disease (among which tobacco is included) in all unsanitary or overcrowded tenements. The distinction between these regulations and those held invalid in the *Jacobs* case, is that the former are reasonable and bona fide health laws while the latter were not.

The second case (*People v. Beattie*, 96 App. Div. 383) held unconstitutional so much of the Penal Code as made it a misdemeanor to violate the provisions of Article XII (later Article XIII) of the Labor Law (repealed by chapter 83 of the laws of 1907), which provided for the examination and licensing of horse-shoers. The court held unanimously that all laws which impair or trammel the right of the individual to live and work where he will, to earn his livelihood in any lawful calling, and to pursue any lawful trade or occupation are infringements upon the fundamental rights of liberty, which can be sustained under the con-

stitution only by reasons of public necessity; that the regulation of shoeing horses can not be so sustained because it has no tendency to promote the health, comfort or welfare of society; and that, while laws prohibiting cruelty to animals are constitutional, no such ill-results have flown from unrestrained freedom to pursue the old and common avocation of horseshoeing as to require any special regulation of it in order to prevent such cruelty. In this case, as in all the others cited in this paper, the court limited its inquiry into the purposes of the act to the single question whether or not it had a constitutional purpose. Had it gone further and sought out the true purpose, it would have been difficult to avoid the conclusion that it was to build up something in the nature of a monopoly in the horseshoeing trade. And had the validity of that act been sustained, the logical consequence of the decision would be that the Legislature can at pleasure limit the right to practice any and all trades or occupations in the discretion of examining boards to be composed of members of such trades and occupations respectively.

In the next case (*Lochner v. People of New York*, 198 U. S. 45), the United States Supreme Court declared that section 110 of the Labor Law of New York, limiting the hours of employees in bakeries to ten a day, to be unconstitutional. That section purported to be a "health law," required by the unhealthiness of baking as an occupation. But the court held as a matter of fact — four justices out of nine dissenting — that baking is not of itself an unhealthy occupation and therefore that a special regulation of hours in that occupation was purely arbitrary and could not be sustained. But according to the observations of the factory inspectors, baking in this state is an extremely unhealthy occupation. This, however, is apparently not an essential attribute, but is due to the large proportion of unclean, ill-drained and ill-ventilated bakeries, particularly in cellars, which have come into existence while there were no effective laws to remedy or prevent. This defect has now been remedied and those unsanitary conditions are in process of correction. If the check thus placed by the court upon legislation of doubtful wisdom and necessity has helped to divert the attention and efforts of reformers to the comparatively neglected field of purely sanitary factory regulation, its results

must be deemed altogether beneficial. And, legal technicalities aside, it seems only reasonable that ordinary and direct sanitary measures should be exhausted before restraints upon personal liberty can be claimed to be necessary for hygienic reasons.

The last and most doubtful case is that of *The People v. Williams*, decided by the New York Court of Appeals June 14, 1907, in which it was held that so much of section 77 of the Labor Law as prohibits the employment of women in factories at night (after 9 P. M. or before 6 A. M.) is unconstitutional. It was endeavored to sustain the necessity for this regulation upon moral grounds, it being argued that it would prevent women from being turned out of factories onto the streets at all hours of the night. But it could not be justified on that ground, because an absolute prohibition of night work under all or any conditions is not at all necessary for such purpose, and because in applying this prohibition solely to factories, the law — without any shadow of reason — discriminated against them in favor of many other forms of employment which cause women in large numbers to go on the streets at night. It was also defended as a proper remedial provision to aid in the enforcement of other provisions of law limiting the number of hours per day that women may be employed; but it is obviously not appropriate nor adapted to that purpose. The one forcible argument for sustaining this act was that it is injurious to the public health for women to turn night into day, by laboring at night. But the court unanimously and rather curtly rejected this proposition; and its conclusion is borne out by the experience of the factory inspectors. For the latter see quite a number of women who work in factories at night — not many in proportion to the total of female factory employees, but yet enough for observation — and they have observed nothing to indicate that these women or any of them are thereby injuring their health or in any way endangering the public health. In this respect night work differs from excessive “overtime.” And one purpose of this law, or, more correctly, one motive of some of its advocates was to keep women out of certain skilled and highly paid occupations which require night work. But the question does not seem to the writer to be quite one-sided as the opinion of the court would indicate; for practically every nation of Europe has

found it expedient for reasons of health, to forbid night work by women in mills.

There are those who feel that this decision will leave the way open and lead to the employment of night gangs of women in large mills, and that there will then ensue with us the same evils that have brought about the European prohibitions. To them it should be answered in the first place that the court limited its ruling to a provision prohibiting night work by *adult* women, and admitted the right of the Legislature in its discretion to prohibit such employment of minors. Anticipating this decision, section 77 of the Labor Law has been amended to contain a distinctly separable provision prohibiting night work by female minors; and while that prohibition can never be completely enforced, owing to the difficulty of ascertaining and proving age, it can undoubtedly be so far enforced as effectively to prevent the employment of any material proportion of women under 21 by night. In the mills in which night shifts are anticipated, the proportion of minors is large,—and not accidentally so, but because their cheap labor is economical in certain operations. Therefore, although it will now be legal to employ night shifts of adult women, it does not follow that many factories can be run economically at night by shifts in which the women are of that class only. In the second place, if the regular employment of large night gangs of women in mills does become an established practice, and it be demonstrated that the health of the women thus employed is thereby generally injured, it would seem to the writer that the prohibition although now not necessary for the public health would then become so, and that the courts would then not logically be bound by the decision in the Williams case, based as it is upon different conditions and a different assumption of facts. And any particular conditions under which night work is carried on and which can be shown generally to injure or endanger the public welfare, or the health, morals or safety of the women employed may be directly regulated or prohibited, without in any way offending against this decision.

The public press have widely cited this decision as authority against the constitutionality of those other provisions of section 77 of the Labor Law which limit the number of hours that adult women may be employed in factories per day and per week, prob-

ably in view of that part of the opinion where the court says: "Under our laws men and women now stand alike in their constitutional rights, and there is no warrant for making any discrimination between them with respect to the liberty of person or of contract." This is an unwarranted deduction, for the court expressly limited the application of its opinion to the particular provision before it, which it said discriminated *arbitrarily* against women. No such fault can be found with the provision fixing a maximum number of hours that women may work. That their endurance is less than that of men is generally admitted; and that where they are excessively employed in violation or evasion of the limitations prescribed by the present law they uniformly suffer in health to such an extent as to constitute a public menace, is a fact apparent to the factory inspectors, well known to medical science and probably capable of statistical demonstration. Moreover the lower court has already distinguished this provision from that prohibiting night work; and its constitutionality is supported by many decisions which could not be cited in favor of the other.

But this decision (*People v. Williams, supra*) does hold out a distinct warning against pushing statutory restrictions upon hours of labor beyond the requirements of necessity. Hitherto in passing upon such regulations the courts have gone far in relying upon legislative judgment. The decisions in the *Lochner* and *Williams* cases indicate a reaction from that tendency, and it now appears probable that in the future the courts will hold themselves more strictly bound to determine for themselves whether there be any substantial justification for each proposed regulation. And in commenting on the *Williams* case the *New York Law Journal* (editorial June 24, 1907) expressed a suspicion — which may be shared by the courts — that many regulations relative to women are based upon sentiment much more than upon scientific conviction of sanitary or hygienic ends. To meet these lines of antagonism and to stand strict tests of constitutionality, regulations must be confined to such as can be demonstrated or will be generally admitted to be reasonably *necessary* for the public welfare. All may admit that a regular eight-hour workday is the ideal condition; and that the reduction of the legal limitation of the working hours of women from ten to nine per day, would be *conducive*

to the public health. But that is not enough to justify such a statutory restriction; there must be a public necessity. As the courts say in the *Lochner* and *Williams* cases: "There must be more than the mere fact of the existence of some small amount of unhealthiness to warrant a legislative interference with liberty." The strong and hardy cannot be deprived of their right to use their full powers merely to prevent unhealthy overexertion by a small proportion of weak and unhealthy. There is a wide margin between ideal regimens of conduct that are desirable and the absolute limitations necessary for the public health which under our constitution may be prescribed by law. There is little in existing conditions to cause dissatisfaction with the results of such constitutional principles. The prevailing hours in New York factories are moderate, and the natural tendency is to shorten them. The shortest hours have been brought about by this tendency and by the efforts of organized labor, and not by statutes. And practically it would be almost as useless as it is unconstitutional to apply penal statutes to slight variations from desirable standards. To secure general and uniform enforcement they must be reserved for radical departures from those standards.

These adverse decisions should not lead to discouragement nor to useless criticism and agitation, but rather to a more careful study of and compliance with constitutional requirements and restrictions in framing future labor legislation.

P. TECUMSEH SHERMAN.

RECENT JUDICIAL DECISIONS ON EMPLOYERS' LIABILITY.*

Cases Under the Liability Act of 1902.

I. While at work in a factory in Connecticut, Fred Kleps, a resident of the State of New York, was injured and was awarded \$5,000 damages at the Queens County Trial Term in April, 1904. The Second Appellate Department in October, 1905, upheld this judgment [BULLETIN 1905, p. 459], holding that the Supreme Court of New York State had jurisdiction in the case and that a pleading based on the Employers' Liability Act did not prejudice the plaintiff's rights under the common law. The Court of Appeals unanimously affirmed this judgment in June, 1907. The *per curiam* opinion follows:

"The judgment should be affirmed, with costs. The Employers' Liability Act (chap. 600, Laws 1902) did not provide a remedy for an employee injured in the course of his employment which was exclusive or in abrogation of a right of action at common law. It gave him a right of action for such injury which was in addition to remedies theretofore existing. The complaint in this action contained allegations appropriate to and sufficient for the statement of a cause of action at common law, and especially after the proceedings with reference to the complaint occurring at the commencement of the trial the trial judge was justified in treating the action as one at common law."—*Kleps v. Bristol Manufacturing Co.*, 189 N. Y. 20.

II. A longshoreman, injured by falling through a defective hatch into the hold of a vessel, is awarded \$2,500 damages and on appeal the judgment is affirmed by the United States Circuit Court of Appeals in February, 1907. The reporter's summary of the case is as follows:

"1. *Master and Servant—Injury to Servant—Defective Means or Appliances.*—It is the duty of a master, not only to provide suitable machinery, means, and appliances to do the required work, but to use due care to keep them in repair; and if an accident happens by reason of his neglect to dis-

* Under this heading are recorded all decisions of courts of record under the Employers' Liability Law of 1902 or the general Labor Law; also decisions under the common law handed down by the Court of Appeals, or by the Appellate Divisions of the Supreme Court when final. Other decisions under the common law are not reported here unless special circumstances make them of unusual interest.

charge this duty, resulting in an injury to a servant, the master is liable in damages therefor.

"2. *Same — Action for Damages — Questions for Jury.*—Where a vessel, while discharging and reloading, was in charge of a superintendent or foreman representing the owner, and for whose negligence the owner was responsible, under Laws N. Y., 1902, p. 1748, chap. 600, the question whether the foreman's negligence was the cause of the injury of an employee, who fell through a hatch because of a defective cover, was properly submitted to the jury, where there was evidence tending to show that the cover had been out of repair for a long time, and that its condition would have been revealed by even a slight inspection.

"3. *Appeal — Harmless Error — Evidence — Contributory Negligence.*—In an action by a longshoreman against the owner of a vessel by whom he was employed to recover for an injury to plaintiff, resulting from his falling through a hatch, owing to one of the covers being too short, where it was shown that plaintiff assisted in putting such cover in place, the exclusion of evidence to show a general custom of longshoremen, when placing such covers which were too short, to chock the ends, was not prejudicial to the defendant, since if plaintiff knew or should have known of the defect, he was guilty of contributory negligence in stepping upon the cover, irrespective of any failure to chock it, while, if he did not know and the defect was not obvious, he was not chargeable with negligence, and any negligence of a fellow-servant as a concurring cause of the accident in connection with the negligence of defendant in failing to supply a proper appliance would not constitute a defense."—*International Mercantile Marine Co. v. Fleming*, 151 Fed. Rep. 203.

III. The superintendent of a knitting mill while riding on an elevator, alleged to have been defective, received injuries for which damages were sought. The trial court dismissed the case but the Third Appellate Department reversed the judgment granting a new trial. The action was brought under the Employers' Liability Act. It was urged that inasmuch as plaintiff was defendant's superintendent he was the *alter ego* of the master and, therefore, outside the application of the statute. The fact, however, that plaintiff was a superintendent made him none the less an employee and the Employers' Liability Act does not make any distinction between different classes or grades of employees. It was further held that although the master has posted a notice forbidding employees from riding on a freight elevator, it is for the jury to say whether the defendant acquiesces in such use when there is evidence that the employees were accustomed to use it to the knowledge of the master, and a dismissal of the complaint of a superintendent who was injured on such elevator, is error. As section 3

of the Employers' Liability Act provides that the question whether an employee assumes the risk of injury or is guilty of contributory negligence by the continuance in his employment with knowledge of the risk is a question of fact, it is error to dismiss the complaint of one injured on the freight elevator upon the ground that being near a landing when the elevator stopped, he could have stepped to the floor and attempted to operate it from a place of safety.—*Aken v. Barnett and Aufesser Knitting Co.*, 118 App. Div. 463.

IV. In this case the Fourth Appellate Department applied the well-established rule that in the absence of regular superintendent or foreman the person placed in charge of or directing the work is acting as a superintendent within the meaning of the Employers' Liability Act. It declared that the plaintiff's intestate was employed by the defendant to clean ashes from locomotives in an ash pit over which the locomotives were run for that purpose. While so engaged, an employee known as a "hostler," without other warning than ringing the bell, started two locomotives under which the intestate was working, whereby the intestate was run over and killed. There was evidence that the "hostler" had been directed by the acting superintendent to take the locomotives from the pit as soon as possible, and was told that they were dumped and ready to be removed. In affirming a verdict in favor of plaintiff of \$7,233 the Fourth Appellate Department in March, 1907, held that the "hostler" was justified in relying on the statement of the superintendent that the locomotives were ready to be moved, and that the defendant could not be heard to say that its orders should be disregarded or its information treated as unreliable, and that a verdict for the plaintiff was warranted.—*Mikos v. New York Central and Hudson River R. R. Co.*, 118 App. Div. 536.

V. A track repairer while at work on an elevated railroad was struck by a train and injured. Defendant had engaged a foreman a part of whose duties was to warn the workmen of approaching trains. At the time the accident occurred, the foreman was temporarily absent. An award of \$1,000 damages was obtained by plaintiff but on appeal the First Appellate Division of the Supreme Court in March, 1907, set this award aside. Under

the Employer's Liability Act, which extends the liability of the employer, it is necessary to give notice within 120 days of the time, place and cause of the injury. Such notice was not given and the case, therefore, should have been tested by the rules applicable to a common-law action. Had the action been brought under the Employers' Liability Act, plaintiff would have had advantage of the rule set up by that act, that an employer is liable for the negligence of his superintendent. But under the common-law rule the act of a superintendent is merely that of a fellow-servant for which the employer is not responsible. The charge of the lower court that the foreman was the *alter ego* of the master was, therefore, held to be error and the judgment unanimously reversed.—*Curran v. Manhattan Railway Co.*, 118 App. Div. 347.

VI. A boy of nineteen while operating a planing machine had his hand taken off. Suit was brought and an award of \$5,000 damages obtained. This judgment was unanimously affirmed by the Second Appellate Department, in March, 1907. The opinion, written by Justice Gaynor, is as follows:

"Assuming that the machine is correctly described in the opinion in *Crown v. Orr* (140 N. Y. 450), that case was not like this one. There the plaintiff was injured by having his hand caught in the revolving knives of the planing machine while he was replacing the hood on the top of the machine which covered the knives. The hood being off, the knives were fully exposed, and the danger of them obvious. Here the sets of rollers which are in front of and in the rear of the knives, and which draw the boards through, are covered by a front and a rear flap, both of which rise or open on hinges to expose the rollers in order to clean or care for them. They are down when the machine is in operation, but there is an open space between them about 4 or 5 inches wide extending across the top or table of the machine. This opening exposes a revolving shaft which also extends across the table, and is flush with the said flaps. It is about four inches wide and two inches thick, and its sharp metal edges shave the boards as they pass underneath it. It has no knives, but only these sharp edges, and in its swift revolution of about 3,000 a minute it looks like a smooth roller. It throws the shavings out to the rear through the said open space, and they keep accumulating, more or less, at the opening. The plaintiff was brushing them away with his hand on direction of the man whom he was assisting when it was caught by the revolving shaft and taken off. The learned trial judge charged that if the danger was obvious the plaintiff could not recover, but if not that he should have been instructed of it. It is not altogether plain that the danger was obvious to a boy of nineteen, which the plaintiff was, who had only worked at the machine

two hours, and who was removing the shavings for the first time. The jury did not think it was after hearing the evidence and inspecting the machine, which was also exhibited to us. That he used his hand instead of a stick was not negligence as matter of law for the same reason."—*Smith v. Wesel Manufacturing Co.*, 117 App. Div. 834.

VII. Defendant appeals from an award of \$3,500 damages granted plaintiff who lost the sight of one eye by being struck with a piece of wire used as belt lacing and which broke. The wire commonly used was a soft, ductile copper wire while that used at the time of the injury was hard and brittle. Plaintiff, a machinist of many years' experience, had complained that the wire was brittle and broke often, but was told by defendant's superintendent to use it. In reversing the judgment the Second Appellate Department through Justice Woodward said in part:

"We know of no case of controlling authority where it has been held that a master who has furnished a simple implement, all of the qualities of which were equally known to the employee, was liable for damages resulting from the use of such an implement in the ordinary vocation of such employee. The plaintiff knew that the wire was brittle, he had complained of it, because it broke when in use and took up so much of his time in fixing belts, and he testifies that while using the same wire for sewing belts it had previously broken and struck him on the shoulder or other parts, and yet, without making any complaint upon this score and with better opportunities for knowing the danger from the recoil than would naturally come to the master or even to the foreman, he urges that the master was negligent in furnishing this particular kind of wire."—*Damjanovic v. Herring-Hall-Marvin Safe Co.*, 119 App. Div. 12.

VIII. An experienced bricklayer, while working for defendants upon a scaffold, laying an eight-inch wall resting upon a wall previously built, put one foot upon the wall on which he was working, and some bricks in three courses, with the laying of which the day before by defendants' workmen he had had nothing to do, fell out and he was precipitated to the cellar. Evidence showed that the method of construction was unsafe and unusual and that the cement used was defective and of inferior grade. The case was dismissed in the Municipal Court of the City of New York, but on appeal the dismissal was declared error and a new trial granted (51 Misc. 614). The plaintiff again appeals from a judgment in favor of defendants and the Supreme Court at the Appellate Term in May, 1907, again adjudged the trial justice in error and granted a new trial, it being held that

it was a question for the jury whether the manner of construction was safe or unsafe; that it was also a question for the jury whether the plaintiff was guilty of contributory negligence in putting his foot on the wall, and that it was also a question for the jury whether the defendants had failed to provide the plaintiff with a safe place to work. It also appeared that, at defendants' request, the court charged the jury that there was no evidence in the case that the defendants failed to provide the plaintiff with safe machinery, platform or a safe place to work.—*Meehan v. Hogan*, 54 Misc. 241.

IX. Plaintiff, while working on defendants' machine, complained on two occasions that the machine was defective. On foreman's promise to remedy the defect in "a couple of days" plaintiff returned to work but before the expiration of the specified time was injured through the alleged defect in the machine. In the leading case of *Rice v. Eureka Paper Co.* [BULLETIN 1903, p. 186] the Court of Appeals held that where a master makes a promise to repair, he, and not the servant assumes the risk between the time of the promise and the time for its fulfilment and for a reasonable length of time afterward. In the present case the plaintiff was awarded damages by the Municipal Court of the City of New York and, on appeal, the Supreme Court at the Appellate Term in May, 1907, unanimously affirmed the award.—*Altman v. Schwab Manufacturing Co.*, 54 Misc. 243.

Cases under the Common Law of Negligence.

I. A locomotive fireman is killed in a collision and suit is brought to recover damages. The trial court directed a verdict in favor of defendant upon the theory that the death of plaintiff's intestate was caused by the negligence of a co-employee. On appeal the Fourth Appellate Department by a divided court affirmed the verdict, but the Court of Appeals in June, 1907, reversed the preceding judgments. The official reporter's summary of the case follows:

"The evidence examined in an action brought to recover for the death of a locomotive fireman resulting from a 'head-on' collision between two trains on defendant's railroad, alleged to have been caused by the failure of the defendant to adopt and enforce proper rules and precautions for the safety

of its trains and those employed upon them, in which action the trial court directed a verdict for the defendant upon the ground that the death of plaintiff's intestate was caused by the negligence of a co-servant, and held that the case should have been submitted to the jury upon two questions of fact: (1) Whether the rules and regulations of the defendant, under which trains were operated by the train dispatcher, who represented the defendant in the management of its trains, were sufficient or not; and (2) whether, in taking verbal orders from a local telegraph operator as to the movement of an opposing train, the engineer of the train, upon which plaintiff's intestate was working at the time of the collision, followed a general custom which had been established, with the consent and approval of the defendant, under directions from defendant's trainmaster who stood in the place of defendant for the purpose of seeing that proper precautions were taken to insure the safety of trains."—*McCarthy v. Pennsylvania R. R. Co.*, 189 N. Y. Rep. 170.

II. Plaintiff's intestate, a brakeman, while operating a "wild-cat" train was killed by the explosion of a car of dynamite. The complaint was dismissed by the trial court but the Third Appellate Department, in March, 1907, reversed the decision. Contrary to the Company's rule, the dynamite was loaded on a car unprovided with an air-brake and was attached to the end of the train instead of in the middle. As the accident occurred before the passage of the Employers' Liability Act, the trial court dismissed the complaint on the ground that the accident was caused by a co-employee. In reversing this judgment, the Appellate Division held that the jury might have found that the master was negligent in providing a car without air-brakes and thus putting it beyond the power of its employee to comply with its rule with respect to the transportation of high explosives. In such case plaintiff would have had the advantage of the rule that where an injury to an employee is caused partly by the negligence of another employee and partly by that of the master, the negligence of the co-servant will not excuse the defendant from the consequences of its own fault.—*Kelly v. D., L. & W. R. R. Co.*, 118 App. Div. 432.

III. A workman injured by a blast brought suit, alleging negligence on the part of the employer in failing to make and enforce proper rules for the safe conduct of the work, and negligence of the employer's superintendent. A motion that plaintiff furnish a bill of particulars setting forth his claim as to whether defendant was personally in charge of the work, or

whether it was in charge of a servant, and if so, who such servant was, or what position he occupied, and in what particular the blast was improperly fired, and of what the negligence therein consisted and what rules should have been made for the greater safety of the work, was denied. On appeal the First Appellate Department in March, 1907, reversed this ruling holding that the defendant was entitled to know what the plaintiff will claim on the trial concerning the points enumerated. The office of a bill of particulars is not to expose to his adversary the evidence of the party giving it, but is to amplify the pleadings and to indicate with more particularity than is ordinarily required in a formal plea the nature of the claim made in order that surprise upon the trial may be avoided and that the issues may be more intelligently met.—*Dwyer v. Slattery*, 118 App. Div. 345.

IV. The Fourth Appellate Department in March, 1907, affirmed an award of \$6,000 damages to plaintiff. The reporter's head note summarizes the case as follows:

"A master maintaining a chute used to slide merchandise from one floor to another is bound to so secure it that it will not fall, which duty can not be delegated so as to relieve the master from liability for injuries so caused.

"When it is a question as to whether a release signed by the plaintiff was obtained by misrepresentation of the master and was signed by the plaintiff without knowing its contents, and when the court has charged that if when the plaintiff signed he knew and understood the language of the instrument that he could not recover, a subsequent refusal to charge that if the plaintiff 'knowingly' executed the release he can not recover, must be construed to mean that the court refused to charge that the plaintiff could not recover if he knew he signed the paper, that interpretation being necessary in view of the prior charge.

"Although the effect of such release may not be avoided without repaying or tendering the consideration, the objection can not be taken for the first time upon appeal."—*Ambellan v. Barcalo Manufacturing Co.*, 118 App. Div. 547.

V. An employee engaged in sorting vanilla beans testified that after two weeks her skin itched and a red swelling appeared on her face, arms, neck and breast. She quit work for six weeks and was cured, but on returning the eruption reappeared. She sued her employer and was awarded damages for negligence of the master in not warning her of the danger attached to the work. On appeal, the Second Appellate Department in April, 1907, unanimously reversed the decision. The principle that "it is the

duty of an employer to warn his servant with respect to latent dangers known to the employer or discoverable by him in the exercise of reasonable care" is admitted, but it is held that the evidence failed to establish that any danger attended the sorting of the beans. "Therefore, it was for the plaintiff to show that the master knew or in the exercise of due care should know of the alleged latent danger before she can assert that the master was negligent in not warning her thereof. The plaintiff made proof of the rash which her physician said was very similar to the poison of poison ivy; but the proof of the cause is very unsatisfactory, and the proof of the defendants' knowledge, actual or constructive, is weak and cannot prevail against the evidence of the defendants." — *McDonald v. Triest*, 119 App. Div. 75.

Cases under Section 81 of the Labor Law.

I. Under section 81 of the Labor Law, which provides that a master shall guard all dangerous machinery, \$8,000 damages were granted at the Kings County Trial Term for injuries received by plaintiff, but the Second Appellate Division set the award aside. In the unanimous opinion written by Justice Gaynor the facts and findings are stated as follows:

"The plaintiff was at work feeding a mangle. She had to spread the linen piece out upon a feed apron, which carried it along to the rollers and steam-heated cylinders of the mangle, through which it went. In some way the plaintiff's hand got in between the first roller and the cylinder. She was unable to tell how it happened. She did not need in the work to put her hand against the cylinder or roller. On these facts the plaintiff was not entitled to recover as the law formerly was. (*Hickey v. Taaffe*, 105 N. Y. 26.)

"This machine had a small wooden guard roller across the apron two fingers' width or more from the cylinder, but it had been taken off about two weeks before the accident by the foreman. The plaintiff did not ask to have it put back; the workers, it appears, did not like it; it rubbed the ends of their fingers. The plaintiff understood all about it and the machine, and was willing to work without it. The Labor Law (§ 81) requires machinery to be properly guarded, but a statutory obligation of employer to employee is on the same footing, and no more than, a common-law obligation. Each is simply a legal obligation, and the one may be waived the same as the other. It is a simple matter over which words have been multiplied. (*Knisley v. Pratt*, 148 N. Y. 372.)

"But chapter 600 of the Laws of 1902, sometimes called the Employers' Liability Act, no longer permits the courts to rule as matter of law, in an action brought under that act, as is the case of this action, that an employee assumes the risk caused by the employer's failure to discharge any duty of

safety, or is guilty of contributory negligence, by continuing in the work with knowledge of such failure (sec. 8). The trial judge therefore properly submitted those questions to the jury.

"The exclusion of the testimony of the doctor of what the plaintiff told him of how the accident happened was reversible error. That he was treating her professionally did not make the evidence inadmissible under section 834 of the Code of Civil Procedure upon her objection. The prohibition of that section only applies to information of patient to physician 'which was necessary to enable him to act in that capacity.' She did not need to tell him that she carelessly got her hand into the machine to enable him to treat the injuries to it. (*Green v. Met. St. R. Co.*, 171 N. Y. 201.)

"The judgment and order must be reversed."—*Travis v. Haan*, 119 App. Div. 138.

II. A boy injured on an unguarded shaft brings suit under section 81 of the Labor Law and is awarded \$2,000 damages by the Supreme Court at Richmond County and the Second Appellate Department in April, 1907, upheld the decision. The reporter's head-note is as follows:

"A defendant who maintains*machinery for a cooperage as part of its business establishment, and who contracts with the plaintiff's employer to keep the machinery in repair and allows him to use it to repair barrels for it which it uses in its business, is under the duty imposed by section 81 of the Labor Law to properly guard the machinery and may be held liable for an injury resulting to the plaintiff from an unguarded shaft of the engine.

"The duty prescribed by said section rests upon the defendant although there be no contract relation between him and the plaintiff. The rules governing where machinery is leased do not apply, as the defendant retained control and charge of the machinery, merely allowing its use by the plaintiff's employer."

"Under such circumstances it is not error to refuse to submit the questions of assumption of risk to the jury. Assumption of risk is a matter of contract and inapplicable in an action against a third person."—*Poole v. American Linseed Co.*, 119 App. Div. 136.

III. Under the same section an employee recovered \$3,000 damages for injuries received on an unguarded planing machine. Appeal was taken, the defendant alleging that the trial judge was in error in submitting to the jury the questions of assumption of risk and whether the machine should have been guarded. The Second Appellate Department unanimously affirmed the judgment. The opinion written by Justice Gaynor is quoted in full:

"While the plaintiff was planing barrel staves on a steam planing machine one of them drew his hand into the planing knives by a sudden jerk. The knives came up through the table. The questions submitted to the jury were whether the knives should have been guarded, except the space necessary for the board to go through, and, if so, whether the plaintiff had assumed the risk

caused by the absence of such a guard. There was evidence that the guard was practicable and in use. Section 81 of the Labor Law requires that certain machinery, including 'planers,' shall be properly guarded; and section 3 of chapter 600 of the Laws of 1902 (commonly called the Employers' Liability Act), makes the question of the assumption of risk caused by the absence of such guard one of fact. The jury and the learned trial judge seem to have correctly decided the case. The judgment and order should be affirmed."—*Neuweiler v. Central Brewing Co.*, 119 App. Div. 101.

Cases under Section 18 of the Labor Law.

While operating a block and fall used to hoist railroad ties to an elevated railroad, the appliance collapsed and plaintiff's intestate was struck by a stick of timber. Suit was brought but the case was dismissed at the Kings County Trial Term on the ground that defendant was not guilty of negligence but that the negligence was of the deceased who assisted in erecting the hoist. The Second Appellate Department, however, reversed this judgment in March, 1907. Justice Gaynor, writing the unanimous opinion, says:

"Section 18 of the Labor Law (Laws of 1897, chap. 415) provides that the employers of persons to labor 'shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged.' It was, therefore, a question of fact for the jury whether the defendant's method or system of placing and securing the hoist was a safe one. The plaintiff did not devise such method; he only helped in carrying it out. It was for the employer to adopt a safe method or system, and that duty could not be evaded by delegation. Not only is the said statute in the way of such delegation, but that was the rule before the statute was passed. And the fall of the hoist while being properly used for the purpose for which it was set up was of itself evidence that it was unsafe, and brought the case within the maxim that the thing speaks for itself. (*Stewart v. Ferguson*, 164 N. Y. 553.)

"The objection that the statute cited in the foregoing was not available for not being pleaded in the complaint is founded on a mistaken notion. It did not need to be pleaded; it would not be scientific to plead it. The cause of action is not on a statute. All that the statute does is to make the employer liable for unsafe scaffolds, hoists, etc., even though they be negligently put up by fellow-workmen of the plaintiff as part of their work, whereas before the statute he was not; in other words, it makes evidence competent to show his negligence which was not competent before.

"The judgment should be reversed and a new trial granted."—*Hagglad v. Brooklyn Heights Railroad Co.*, 117 App. Div. 838.

In an action brought under section 18 of the Labor Law, the Fourth Appellate Department by a vote of 4 to 1 set aside a verdict of \$5,000 granted to a carpenter who while at work on a scaffold repairing the interior of a bank was injured by the breaking of the board on which he stood. The scaffold was composed of two wooden horses across which a plank was laid, the plank being from eight to ten feet above the floor. In submitting the case to the jury the trial judge charged that as a matter of law the relation of master and servant existed and that the structure was a scaffold under section 18 of the Labor Law. This was held by the Appellate Division to be reversible error on the ground, first, that the question of relation of master and servant was one of fact for the jury and, secondly, that the structure was not a scaffold within the meaning of the statute. The latter opinion was held on the authority of *Schapp v. Bloomer* [BULLETIN 1905, p. 52], in which "ordinary staging, put up in a room from four to six feet above the floor to facilitate the placing of fixtures" was held to be outside the meaning of the statute.

In a dissenting opinion Justice Spring points out that the use of the structure in question was definitely specified in the statute as "the erection, repairing, altering or painting of a house, building or structure" whereas in the *Schapp* case the purpose of the staging was for the erection of "fixtures" which, in that case, court said were not specified in the law. On the question of the relation of master and servant issue is also taken with the prevailing opinion and the trial judge sustained.—*Williams v. First National Bank*, 118 App. Div. 555.

EMPLOYERS' LIABILITY AND ACCIDENT INSURANCE LAWS ABROAD.

When the Bureau of Labor Statistics published its seventeenth annual report in 1899, containing an extended article on the "Compensation of Accidental Injuries to Workingpeople," there were still six European countries that treated the problem simply as one of negligence law, as is still done in the United States. Since that time, however, Belgium, Holland, Sweden and Russia have enacted workmen's compensation or accident insurance laws, leaving only Switzerland and Hungary in the same class with the United States. Outside of Europe, four British colonies, including three in Australasia and one in Canada, have enacted workmen's compensation laws, modeled on the English Act of 1897, which was itself recast and vastly extended last December, as described in the BULLETIN for March of the present year. As the Bureau's Report for 1899* can no longer be supplied, it has been decided to bring the summary of legislation down to date and at the same time reprint in the BULLETIN the concluding chapter, entitled —

GENERAL REVIEW OF THE PROBLEM OF INDUSTRIAL ACCIDENTS.

I. EVOLUTION OF WORKMEN'S COMPENSATION ACTS.

The study made, in the preceding chapters, of the experience of European countries in dealing with that great social question of accidents to workmen which has been thrust forward by the development of machinery and the corporation — the two most significant characteristics of modern industry — brings into clear relief the tendency to substitute for the legal idea of negligence as the basis of compensation, the economic and social idea of insurance. Before the industrial revolution brought into prominence the steam engine, the machine and the limited liability companies, the legal idea that every individual should suffer the consequences of his own deeds was simple, just and enforceable. When an accident occurred in a workshop where the proprietor worked alongside his men and where each man worked with his own tools and knew the capabilities of his fellow-workmen, it was comparatively easy for a jury to determine the responsibility in the majority of cases. And

* This topic has also been the subject of special articles as follows: BULLETIN No. 9, June 1901, pages 120-6; No. 28, March, 1906, pages 91-97; ("Present Status of Employers, Liability in the United States and Europe"); No. 29, June, 1906, pages 244-6 (The New York Act of 1906); No. 32, March, 1907, pages 74-95 (The New British Workmen's Compensation Act); No. 33, June, 1907, pages 256-7 (Industrial diseases included in the British Act).

as for the few accidents that came by pure chance, the journeyman was as able, financially, to bear the burden as was the employer. Hence, the law said that the employer shall pay damages to his injured workmen only when he has been negligent and failed to provide for them a safe workplace, sound materials and tools and competent direction.

Then came steam machinery and joint-stock companies. The artisan became a machine-tender; the employer a bond or stockholder. Accidents multiplied, because machinery is dangerous. Who now was responsible under the law? Not the employer, for he had done his duty in furnishing "the ordinary and reasonable" safeguards; if, as part owner of a railway, he was compelled by law or by the courts to put up a target at every switch, innumerable lives might be saved, but then many of the country's transportation lines would fail to make their expenses and would go out of business. And thousands of accidents could not be prevented by any amount of expenditure.

Shall then the workmen bear all the consequences of this industrial risk? Can they prevent the innumerable accidents that happen because the engineer in a distant part of the factory fails to shut off steam and stop the machinery at the signal, or because a careless boy drops a match in a barrel of powder? Can anyone expect veteran sawyers to approach the circular saw with the same degree of caution that a green hand would use? Small indeed would be their wages if modern machine-tenders never took a risk, for small would be the production of modern factories and mills.

The transformation in industrial methods means, then, that comparatively few accidents can be attributed to negligence on the part of either employer or employee; statistics of recent years have absolutely proved that fact. Besides referring to tables already presented, it is possible to give the moral causes of about 50,000 accidents to workmen that occurred in Austria in the five years, 1890-1894:

	TABLE CXII.*	Number.	Percentage of total.
	Imprudence and gross negligence.....	10,937	22.597
Fault of victim.....	Disobedience of rules or neglect to use safeguards.....	1,563	3.229
	Intentional fault.....	7	0.014
	Defective plant.....	413	0.853
Fault of employer....	Omission of safeguards.....	218	0.450
	Gross carelessness.....	53	0.109
Fault of third person.....		762	1.574
Unforeseen contingencies.....		33,976	70.198
Unknown.....		471	0.973
Total.....		<u>48,400</u>	<u>99.997</u>

While a considerable number of these accidents—which include all that were indemnified under the Austrian law in the years mentioned and therefore called for careful investigation—was attributed to the fault of the victim and some few to the fault of the employer, the vast majority were declared to be due to unforeseen contingencies. And this class of accidents is naturally destined to form an increasing proportion of all accidents as the means of prevention on the part of workmen and employers are more fully

**Cf. Bulletin du comité permanent of the International Cong. of Accidents, 1897, VII, 2*

utilized; thus while for the whole five years' average the unavoidable accidents constituted 70.2 per cent of the total, they constituted only 51.8 per cent of the total in 1890, and increased in the succeeding years as follows: 1891, 66.2 per cent; 1892, 67.8 per cent; 1893, 77.8 per cent; 1894, 78 per cent.

He who would seek a remedy must perforce look at the problem from the social point of view. Here are thousands of accidents happening to workmen every year and involving illness, stoppage of work and financial loss. Is it for the welfare of society, the best interests of the community, that the individual wage earners should bear the financial burdens with the aid of relatives, friends and in many cases the public charities; or that they should be assumed by the consumer as a part of the necessary cost of his goods, exactly as the wear and tear of the machines themselves are paid for by the consumer as a result of their inclusion, by the employer, in his expenses of production?

This is the question that every industrial nation sooner or later has to face. How it has been answered in Europe this study aims to show. Starting from essentially the same point as the United States*—the legal idea of negligence—the European countries quickly realized the need of change. It was not merely that employers' liability laws founded on the idea of negligence failed to bring compensation to an injured workman, but that they frequently prevented the workman from getting what he was clearly entitled to by reason of their uncertainty, their delays and their expensiveness. A mining company may have been ever so negligent, but if a colliery explosion killed all the miners, whence were the families of the stricken men to obtain evidence of neglect? The difficulties of securing legal proof of negligence at first struck the European statesmen as constituting the principal weakness of the law of employers' liability. Hence their first attempts at reform were in the direction of removing the burden of proof from the shoulders of the workmen to those of the employers. As long ago as 1838, Prussia inverted the *onus probandi* with respect to railways, by making the companies liable for all accidents that they could not prove to be due to unavoidable circumstances or to the negligence of the victim. Upon the foundation of the German Empire in 1871, this law was adopted for the entire country, and thence it has spread throughout Europe. Even despotic Russia has adopted it.

For a long time, the inversion of proof remained the goal and hope of public-spirited statesmen, who sought to extend its application from railways to other dangerous pursuits. In this effort, Switzerland went farthest, her laws of 1881 and 1887 applying the inversion-of-proof idea to factories, building enterprises, construction and engineering work, all forms of transportation, etc. (See Chap. VII, § 1, above.) But Switzerland has found these laws entirely unsatisfactory, as have the other countries that applied them only to railways. The determination of the amount of compensation to be paid always entails expensive and tedious litigation, and in any event the execution of the law places the workman and his employer in an attitude of hostility to one another. The British Royal Commission on Labor clearly pointed out that "when a workman goes to law with his employer, he as it were declares war against the person on whom his future probably depends.

*Except that the Continental countries did not have the doctrines of "common employment" and "contributory negligence" (the abrogation of which has been almost the sole end and object of American reformers).

* * * The broad result is that a legal claim for damages only answers when the injury is very great and a workman is prepared to leave his master's service." On the other hand, the liability laws were only a little less distasteful and unsatisfactory to the employers, who were often put to enormous expense to defend themselves against the legal attacks of professional "accident" attorneys. The money that fair-minded employers would willingly have paid to an injured employee in the way of compensation, they saw absorbed in the costly processes of litigation.

By this time the insurance idea had attained somewhat of its modern development, and business men began to realize that if only the amount of compensation could in some way be kept within fairly definite limits, their liabilities to compensate injured employees could be insured against as readily as their fire risks. Such legislation was precisely what the students of the question recognized as being needed to abolish expensive and unfruitful litigation and promote more amicable relations between employers and their workmen. Thereupon the evolution of liability laws entered upon its third stage; the laying down in public statutes of fixed amounts to be paid by employers, without recourse to law, as compensation to their employees in virtually all cases of accident incidental to their employment.

In some form or other, such Workmen's Compensation Acts have now been passed in fifteen European States, including the great industrial countries of England, Germany and France. In some of these countries, the evolution of liability laws has entered upon a fourth stage, namely, the requirement that all employers in the industries subject to the act shall insure their liabilities, in order to protect the injured workmen in case of failure in business. In other countries, it has been assumed that for his own protection the employer will voluntarily take out accident insurance.

II. ANALYSIS OF EUROPEAN WORKMEN'S COMPENSATION ACTS.

These and other characteristic differences in the several Workmen's Compensation Acts—including thereunder the accident insurance laws of countries which make insurance obligatory—are exhibited in the accompanying conspectus. The essential feature of what is known as a Compensation Act is that it contains a scale of compensation; although a second feature of almost equal importance is that it cover substantially all classes of accidents of employment (those caused *intentionally* by the victims being unimportant in number). For example, the Swiss Liability Law is as broad with respect to the kinds of accidents it includes as the Spanish or Finnish law; but the Swiss law does not contain a scale of compensation and is, therefore, omitted from this summary.

It will be observed that insurance is compulsory in Germany, Austria, Norway, Finland, Holland, Belgium, Greece and Italy; and voluntary in the other countries. But among the countries that have the compulsory features the organization of the system varies remarkably; and it may very well be that the employers in some of these countries have more actual freedom than in the countries that nominally leave insurance voluntary. A brief description of the several systems will clarify the statement.

In England the employer is left absolutely free to contract insurance or not as he sees fit, the law simply providing that if he does take out insurance

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the injured workmen have a lien upon any amounts due him in case of accident. Employers are not permitted to make contracts with their workmen releasing themselves from obligation to pay compensation under the law, in return for privileges of membership in an employer's aid fund, unless such funds are approved by the government as furnishing compensation to workmen in case of accidents at least as favorable as that assured them by the act.

The Spanish act allows employers perfect liberty of choice in insuring themselves against liability, and the Danish act is substantially like the British.

The French act nominally permits voluntary insurance, but it provides for a system of control over insurance companies and private societies that distinguishes it sharply from the English act and renders it in some respects more paternal than the Italian or German compulsory insurance systems. As respects claims for compensation of minor injuries, entailing merely temporary incapacity for work, the French law protects the workman against his employer's failure to pay by granting him a lien on the employer's assets. In case of serious accidents, entailing death or permanent disablement, the workman's claims to compensation are guaranteed by the state. This is the entering wedge of compulsory and state insurance, since for the accumulation of the guarantee fund the state lays a special contribution (in the form of an addition to the regular business tax) upon all concerns subject to the law. If failure among employers to meet their liabilities becomes common, the guarantee fund may in the end transform its administrator (the National Old-Age Pension Bank) into a state insurance office. Moreover, the French act in permitting the employers to transfer their liabilities to insurance companies does so only under the provision that such companies subject themselves to governmental supervision. Under this provision the state, in determining the amount of reserve required for those companies, virtually establishes their insurance rates.

The Italian law does not go much beyond this. It says that all employers must contract insurance, but permits the railways to have their own pension funds as in the past. Other employers may unite to form mutual associations and by collective responsibility thus furnish adequate protection to injured workmen with claims for compensation; or firms employing at least 500 workmen may establish their own funds by depositing securities with the government. If none of these ways is practicable to an employer, he may contract insurance with a duly authorized private insurance company or with the National Bank for the Insurance of Workmen against Accidents, a semi-public institution administered by leading savings banks in the public interest and not for profit.

The law of Finland is very much like that of Italy.

In Germany the system of compulsory insurance is very simple; all the employers in a given industry are required to unite in the formation and maintenance of a mutual association, which assumes all obligations of its members on account of accidents to employees with the proviso, of course, that it may seek reimbursement from a member whose negligence has resulted in accidents. The mutual trade associations (of which there are now 65 in manufacturing and 48 in agricultural industry) determine the amount of compensation due an injured workman and give him an order for the same

which is cashed by the imperial post-office department. At the end of each year, the department presents its bill to each association, which pays the same by means of the dues or assessments of its members. While the associations have a large measure of self-government, they are subject to government supervision.

In Austria the organization of establishments subject to insurance (including both employers and workmen) is by districts rather than on trade lines. And while in Germany the annual contributions cover little more than the actual amount expended for relief of the injured and their pensions, in Austria they include the capital value of the pensions.

Of all the countries that have adopted the principle of compulsory insurance, only Norway, Sweden and the Netherlands have established state insurance offices. Even in Norway, the expenses of insurance are paid for the most part by the employers; the state undertaking nothing more than the costs of management and the covering of deficits created by the bankruptcy of liable employers,—perhaps 20 or 25 percent of the aggregate. It is a mistaken notion, still held by many Americans, that the European accident insurance legislation is socialistic. On the contrary, the preceding review shows that in no case does the public treasury pay compensation for accidents; the cost is advanced in the first instance by the employers and by them transferred to the community like any other of the expenses of production.

The other particulars noted in the conspectus call for little explanation. A noticeable variation exists with respect to the interval that must elapse between the date of the accident and the day when the allowance or pension becomes payable. In Germany this "waiting time" was fixed at thirteen weeks; but Germany has a sickness insurance law which furnishes aid to the injured during this interval. There is much to be said in favor of such an arrangement, as the sickness funds are largely managed by the workmen themselves, who contribute two-thirds to the employers' one-third of the dues and are therefore more likely to detect attempts at imposition. In 1886-1895, 83.5 percent of the injuries compensated were charged to the sick associations; but these were the minor injuries and cost only 12 percent of the aggregate, thus making the workmen's share of the total cost of caring for accidental injuries 8 percent. The Austrian law reduced the "waiting time" to four weeks and made the workmen contribute 10 percent of the dues. It is a singular fact that recent parliamentary reports on revision of the law in both Germany and Austria have favored the adoption of the "waiting period" of its neighbor. But the tendency in the recent legislation of other countries has been toward a shorter interval. Thus, Denmark alone has adopted the thirteen-week period, while Norway has taken four weeks, Finland and most of the British colonies one week, Italy five days, France four days, Russia three days, while Holland, Belgium, Spain and the new British law begin payments immediately.

The compensation to be paid to injured workmen usually includes the expenses of medical attendance and a certain proportion of the victim's wages. This may take one of three forms: (1) A daily or weekly benefit or allowance ranging from one-half to two-thirds of the victim's usual wages, to continue during the period of medical treatment; (2) a pension or annuity

to a workman permanently incapacitated for work, and (3) a pension or annuity to the family or dependants of a workman whose injuries terminate fatally. When the disablement is complete, the annual pension ranges from one-half to two-thirds, or in exceptional cases in Germany to 100 per cent, of the victim's ordinary earnings; if it is only partial, the pension is reduced to correspond to the diminution of his earning capacity. In case of death, the maximum indemnity in the form of annuity to the family does not exceed two-thirds of the victim's yearly earnings and is sometimes limited to 40 per cent. Many countries have preferred to let the compensation be made in a single payment; England and the British colonies have fixed upon three years' wages as the amount to be paid in case of death; Spain twice, Denmark four times and Italy five times the yearly earnings. But whether the compensation be normally paid in lump or as an annuity, the law usually makes some provision for its transformation into the alternate system. Thus, in Austria, the pension may be commuted, by the payment of its capital value, only with the consent of the poor law officials, and in France the pensioner may, after a certain interval, demand the commutation of one-fourth of his annuity. On the other hand Italy, England, etc., make provision for the conversion, under judicial supervision, of indemnities awarded in lump into annuities of public or semi-public institutions.

The compensation acts have been subject to considerable criticism on the ground that they discriminate against married men, since the employer will have to pay a heavier indemnity in case of fatal injuries to them than he would pay in the event of the death of a single man leaving few or no dependants. The British labor press has been very pronounced in its affirmation of the existence, among British employers, of a decided preference for the employment of unmarried men since the passage of the Workmen's Compensation Act. Such discrimination may indeed be practiced, but the saving thereby effected must be small, inasmuch as the fatal accidents constitute but a small proportion of all the accidents that have to be compensated. In our chapters on Austria and Germany, it was pointed out that the most expensive accidents are not the fatal injuries, but those entailing total disability for the remainder of the life of the workman. The French labor bureau has compiled from the Austrian statistics a table,* showing for each industry the cost of fatal accidents per \$10,000 of annual wages and the probable saving if no married men (95 per cent of the fatally injured) were employed; and from this it appears that the percentage of saving on the total expenditure for accident insurance, or compensation of accidents, seldom exceeds 10 percent.

But the Italians have apparently hit upon a regulation that will effectually discourage any such discrimination against men of families on the part of the Italian employers. Their law provides that the indemnity shall be paid in every case of fatal injury; and if the victim leaves no dependants with legal claims upon the indemnity, it is to be paid into a special fund that will be used to meet deficits arising out of bankruptcies, to aid workmen's benevolent funds, to encourage the invention of safety devices, etc., This seems a very happy way out of this difficulty.

*Bulletin de l'Office du Travail, May, 1899, VI, 433.

III. WORKINGS OF THE COMPENSATION ACTS.

A very brief summary of the results of the compensation acts and insurance laws of Europe will aid in deciding whether, after all, assumption of industrial risks by employers instead of employees is really a progressive step in legislation. The most natural objection to the new principle is that it would bring about an increase rather than a decrease in the number of accidents, inasmuch as workmen sure of being taken care of when injured, without expense to themselves, might become extremely careless about their work. Has such an increase actually taken place?

Effect upon the number of accidents.—The number of accidents reported has increased in every country of Europe, whether it possesses an accident insurance system, workmen's compensation acts, or employers' liability laws based on negligence. In England an enormous increase was remarked in 1895—as a result of the passage of a new law concerning the reporting of accidents. In France the number of accidents reported increased at an amazing rate from 1893 to 1898, and yet when the new Compensation Act of 1898 went into effect in 1899, there was another great increase extending even to fatal accidents, and hence an unmistakable result of a more faithful record of accidents rather than an actual increase. In Switzerland when a census of accidents was made in 1888–1891, the number recorded increased each year; but on the other hand, the total number of days lost from work did not increase,—showing that in each successive year the number of accidents increased as the result of more faithful reporting of minor injuries.

And in Germany, where the new principle has been longest accepted, the statistics show that the number of serious accidents has remained nearly stationary in proportion to the number of workmen employed. The actual increase in the number of accidents in Germany and Austria, so frequently urged as an objection to the principle of compensation of all the injuries, is therefore due to a sharper control over the reporting or recording of the minor injuries on the one hand; and of the increasing knowledge of the benefits of the law among the workingmen, on the other hand. It is more than likely that the number of industrial accidents is actually increasing in all manufacturing countries as a result of the sharper competition and of the more intense application of workmen, of the higher speed of machines, of the introduction into workplaces of raw, untrained workmen as machine-tenders, of the assemblage of larger and larger numbers in one room or building, and of the increasing contact with dangerous substances.

And as to the means of preventing accidents, something can be said in favor of the German method of making employers collectively responsible for the compensation of injured workmen; for then the employers' associations can adopt and enforce regulations for the prevention of accidents, penalizing by an increased assessment those firms that neglect to use precautionary measures. On the other hand, Anglo-Saxon ideals of individual liberty would not permit the interference of rivals such as is implied in the inspection of manufacturing plants by men in the service of a mutual association of employers. In England or the United States such inspection would be permitted only to government officials, and few doubt that factory laws and factory inspection have in fact prevented hundreds and thousands of accidents. An

excellent illustration is furnished by an English manufacturer in the following statement:

"What we call a 'serious accident' is an accident that has been followed by the man's absence from work for more than two weeks. What we call a 'factory accident' is one that must be reported to the Factory Inspector under the clause of the Act cited. All fatal accidents have to be reported to the Factory Inspector, and are therefore included in the number of factory accidents. These factory accidents are of course what can be lessened by additional care in instructions to foremen, by careful supervision, and by careful fencing of machinery; whereas the other accidents, such as falling off a plank, catching one's foot in a rope, or such like, are more or less of an unavoidable nature, and consequently you will notice that there is less reduction in these accidents than in the factory accidents."*

TABLE CXIV.

	Per thousand.		
	First 4 years (1881-84).	Last 4 years (1893-96).	Average of 16 years (1881-96).
Factory accidents.....	13.35	5.98	8.64
Other accidents.....	9.02	7.44	8.33
Total serious accidents.....	22.37	13.42	16.97
Of which were fatal per 1,000 men employed.....			0.63

While, then, employers can prevent a certain proportion of accidents, it is probable that liability laws or compensation acts are less efficacious than factory laws, inspection and criminal process. Liability laws may make the employer more willing to allow his employees short hours, greater space, etc., and more careful in the selection of competent foremen and of such agents as will not make it their first aim in life to drive their men incessantly; compensation acts may make the employer more willing to expend money in fencing machinery and providing other safeguards, lest the accident insurance company raise its rates in his case precisely as fire insurance companies discriminate between "good" and "bad" risks; but the real counter-agent of the general tendency for accidents to increase in number is government inspection and swift punishment of failure to obey the factory law and regulations.

Litigation and expense.—The gravest objection to the law of negligence as a remedy for industrial accidents is the wastefulness and expensiveness of litigation attendant upon the effort to locate the responsibility for a given injury. It was this objection that probably weighed more than all others with the members of the British parliament when they decided to abandon the scheme of amending the negligence law in favor of an act requiring the compensation of all accidents. Now in Germany some 10,000 appeals are annually made to the Imperial Insurance Bureau from the decisions of the boards of arbitration. Does this indicate the failure of compensation acts?

While the number of cases appealed to the Insurance Bureau is probably greater than was expected, it only seems large when contrasted with the number of lawsuits under liability laws. In the latter case fully 80 per cent of the workmen injured have no case at all and never think of going to law; while the others face the prospect of a tedious and costly lawsuit. But in Germany the workmen may appeal from the awards of the employers' associations to boards of arbitration absolutely without expense; nevertheless only one-fifth of the awards are so appealed. And only five or six per cent of the awards are appealed to the court of last resort—the Imperial Insurance Bureau—where very few cases indeed are argued on the workmen's side by professional attorneys.

* *Transactions of Manchester Statistical Society*, 1897-8, page 305.

This should be a sufficient answer to those who fear an increase in litigation. The returns from England for the first six months of the operation of the new law are very incomplete; but they indicate that an insignificant proportion of the cases are contested in the courts.*

Concerning expense, as between compulsory and voluntary insurance the former system makes far the more creditable showing,—and for this reason: it avoids the enormous amounts that competitive companies are obliged to pay out in commissions. Private companies in the United States (and Europe also) do not distribute 50 per cent of their receipts among their beneficiaries, whereas the trade associations of German employers distribute over 80 per cent. The expenses of management of the one amount to more than 50 per cent of the expenditures;† of the other, to perhaps fifteen per cent. Dr. Zacher makes the following comparison of costs between the German compulsory system and various private institutions:

TABLE CXVI.

COSTS OF MANAGEMENT.	Per cent of receipts.	Per cent of expenditures.
Germany (<i>Berufsgenossenschaften</i>).....	11	15
England, trade unions.....	17	20
England, friendly societies.....	15	17
Commercial insurance companies.....	37-43	.....

It would not be safe to call the German associations more economical than the workmen's societies, since in Germany the government furnishes the services of many of its employees (postoffice department, etc.) free; but it is clear they furnish insurance at less expense than do commercial companies.‡

IV. APPLICATION TO THE UNITED STATES.

Admitting the success of workmen's compensation acts in Europe and their adaptability to social and economic conditions in the European countries, do any adequate reasons exist why the workmen of this country should not be accorded equal privileges by the law of the land?

I. Who shall assume the risk?—In Europe a strong argument in favor of making the employer compensate all accidents can be found in the alternative condition, that otherwise the financial burden will come upon the public treasury—i. e., the victims will require aid from the poorhouse or public hospital. Hence as Sir Matthew White Ridley declared in the course of the parliamentary debates: "The injured workman or his representative ought to have

* *Reviser's note.*—Testimony taken by the Departmental Committee on Workmen's Compensation in 1903-4 has confirmed the foregoing statement. Thus the Cotton Trades Insurance Association had only one per cent of its cases in court, two leading railways had had only 1½ per cent of the claims arbitrated and in general the testimony of employers corroborated the trade union testimony that fully 95 per cent of the claims were settled out of court.

†The aggregate premiums received and losses paid by ten leading liability companies of the United States were as follows:

	Premiums received.	Losses paid.
1894.....	\$2,379,348	\$1,063,884
1895.....	3,201,991	1,662,118
1896.....	3,752,401	1,970,945
1897.....	4,575,821	2,190,946
1898.....	5,491,950	2,494,796

Virtually the entire difference between receipts and losses paid consists of expenses of management and profits.

‡ Additional statistics and citations on this question are given by Dr. Zacher in his publications on *Die Arbeiterversicherung im Auslande*, VI (France), page 41, note 3, and in Conrad's *Handwörterbuch der Staatswissenschaften*, I Suppl., p. 912.

a right to compensation at the expense, not of the rates or of public charity, but of the industry in which he is engaged."* But in the United States workmen are not so dependent upon the charity of others in case of misfortune; they receive higher wages and accumulate more property, which serves them well if they meet with an accident. Frequently they are able to take out insurance either with a commercial company or with a fraternal order or trade society. Such cases are, however, exceptional; and it is believed that the ability of the workers, taken altogether, to meet such financial disaster as disablement for life is now less than it was formerly, while the chance of such disaster occurring is now greater than ever. The problem, then, in the United States is this: Shall the class of people least able to stand financial loss be required to bear virtually the entire burden of industrial accidents, both physical and financial, or shall the financial losses be shared by the entire body of consumers? The answer does not seem doubtful.†

II. *Is private initiative adequate?*—Assuming that it is desirable that the entire community and not a special class bear the financial burdens entailed by industrial accidents, is it possible that the transfer can be accomplished through private initiative—through the accident insurance companies and mutual organizations of employers and employees? Much has been heard recently of the benefits of railway relief funds and similar so-called philanthropic projects. Few understand the real nature of those projects or the hostile attitude toward them of nearly all the thinking workmen. They are probably never "voluntary" in fact, whatever their official title, and they are in reality simply an instrument for undermining the independence of the workmen. The funds are contributed almost entirely by the workmen, who nevertheless lose their claim to every cent of their money if they sever their connection with the company. Having in their possession such substantial pledges or hostages from their employees, what is to hinder the company from reducing wages as much as it dares without doing violence to public opinion? Nor is that the only objection. These relief funds are also the instruments with which railway companies make their employees assume the burden of even the small proportion of accidents that the law of negligence places upon the employer; for they commonly serve as the pretext under which the workman is coerced into signing a contract releasing the company from its liabilities in return for the small contributions that the company makes to the funds.‡

In other instances, perfect sincerity and good will has been manifested by employers in contributing to accident funds administered by their employees. But there is absolutely no prospect of such funds or mutual associations becoming general. And the discouraging part of it all is that competition levels down and not up. The factory insurance fund can seldom be made to

* Parl. Debates (1897), vol. 48, page 1422.

† In this connection it may not be out of place to note that according to American law the employers in one industry now assume the risks of the industry in so far as temporary injuries are concerned. A shipowner must pay an injured seaman wages for the entire voyage and for his maintenance and cure (if the latter can be effected, either on shipboard or in a hospital, within the period for which he shipped), unless the accident was caused by the gross negligence of the injured seaman.

‡ Since the preparation of this Report a leading railway of the West has been obliged to abandon its projected Voluntary Relief Department in consequence of the united opposition of its employees. The attitude of the workmen has been clearly expressed in such journals as the *Railroad Trainmen's Journal* and *The Railway Conductor* for April, etc., 1900, as well as in the *Locomotive Engineer's Journal* in August and September, 1896. A complete statistical treatment of railway relief funds was contained in the *Bulletin* of the United States Department of Labor, 1897, II, 39-57.

pay the employer in dollars and cents; it cannot therefore survive. The one thing required is that the law shall elevate the plane of competition to the standard of the high-minded employer. That can be done only by making all employers responsible for the accidents that occur among their employees.

III. The cost.—The vital question is expense. Can one state pass a compensation act without invading profits to such an extent as to drive away capital? This is a question that might require an extended investigation but for the historical tendency of a reform adopted in one state to be eagerly taken up by a neighboring state, until it has spread over the face of the entire country. Notwithstanding the outcry about the timidity of capital, New York and Massachusetts enacted law after law for the abolition of insanitary conditions, long hours and child labor in their factories. The right of private property was time and again invaded by the Legislature when it commanded employers to fence their machinery, to provide fire escapes, to dismiss their female employees after a stated number of hours of work, etc. And the courts sustained such legislation because "public policy" demanded it. The workmen's compensation act is part and parcel of such labor and factory legislation; once introduced in an American state, it would be quickly imitated in other commonwealths in obedience to the force of public opinion.

It is, however, possible to estimate the cost of liability or accident insurance in this country, upon the adoption of the principle of compensation of all accidents, by the rates now charged by the insurance companies on workmen's collective policies. The benefits allowed under the standard policy of this kind have already been noted; they cover all accidents of occupation to the employees of the establishment insured and include an allowance for temporary incapacity of one-half the usual weekly wages for not exceeding twenty-six weeks, and an indemnity in the event of death or total permanent disability (loss of both limbs or both eyes) equal to one year's wages. The benefits are not so liberal as those prescribed in the European compensation acts, which include full medical attendance and large indemnities in the case of death or total disability,—for instance two years' wages in Spain, three years' wages in England and five or six years' wages in Italy. The tariff of rates charged by American insurance companies provides for a surcharge of twenty per cent when policies allow full medical attendance; and if the death benefit were multiplied by two or three or five, the rates would undoubtedly be correspondingly advanced; although the inevitable increase of business and growth of competition would hardly permit an exactly proportionate rate of increase.

Supposing, however, that a law were passed requiring employers in specified dangerous industries to indemnify their workmen for every accident of occupation, according to the above-mentioned scale in the standard workmen's collective policy; the expense to employers of securing insurance against their new liabilities would not constitute so large an item among the costs of production as to handicap these employers in their competition with rivals in other states. Thus, the following table gives the rates charged by the American companies, per \$100 of annual wages, for ordinary liability insurance and for workmen's collective insurance as already defined; the net charges, for an average of seven years, under the Austrian insurance system and the premiums* established by law for the French National Accident Insurance Bank for assuring the compensation prescribed in the workmen's compensation act of April 9, 1898:

* See *Bulletin* of the permanent committee of the Inter. Cong. of Accidents, X, 1899. pages 174-9.

TABLE CXVII.

PREMIUMS CHARGED FOR ACCIDENT INSURANCE, PER \$100 OF ANNUAL PAYROLL.

	UNITED STATES.		AUSTRIA.	FRANCE.
	Liability insurance policy.	Workmen's collective policy.	Charges under Law of 28 Dec. 1887, in years 1890-96.	Indemnities prescribed by Act of April 9, 1898.
Flour mills.....	\$0 40	\$1 25	\$2 35	\$3 79
Quarries.....	2 50	2 50	4 37	6 20
Ceramics.. {	Porcelain.....	{ 1 00 }	1 06	{ 0 32
	Brick and tile....	{ 1 50 }		{ *
Glass..... {	Plate.....	{ 1 50 }	63	63
	Other.....	{ 1 25 }		
Metals:				
Refining and reducing ores.....	....	....	2 12	3 26
Blast furnaces.....	92	50	.... }	3 51
Rolling mills.....	74	2 00		
Foundries.....	60	1 50	....	3 05
Hardware {	With motors.....	....	....	2 88
	Without motors	40	1 25	....	2 20
Machines, tools, instruments, etc.....	....	....	1 76	3 21
Agricultural implements.....	50	1 00	....	2 83
Locomotives.....	74	1 50	†	5 68
Repair shops.....	60	1 25	....	2 69
Carriages and wagons.....	67	1 25	†	3 72
Ships.... {	Yard work....	{ 1 50 }	†	3 46
	Shop work....	{ 2 00 }		
Firearms.....	52	1 00	81	1 75
Chemicals and drugs.....	70	2 00	1 48	1 80
Gas works.....	60	1 50	1 15	1 93
Textiles.....	37½	1 00	50	....
Silk.....	30	1 00	17	25
Wool and other animal fibers.....	37½	1 00	52	79
Flax, hemp, jute, etc.....	37½	1 00	73	98
Cotton and shoddy.....	37½	1 00	60	82
Bleaching, dyeing, finishing	37½	1 00	66	99
Laces, embroideries, etc....	30	1 00	21	28
Paper and cardboard.....	40	1 25	1 63	2 16
Woodworking.....	67	1 25	2 97	5 05
Saw and planing mills.....	1 25	3 00	....	5 02
Liquors.....	....	....	1 73	2 38
Breweries.....	40	1 50	....	2 87
Distilleries.....	50	1 50	....	2 08
Construction work.....	2 65†	2 50†	2 73	4 05
Building.....	....	....	3 84	5 61
Masons.....	2 65	2 50	....	4 32
Carpenters.....	2 00	2 50	....	9 75
Printing.....	20	1 00	25	45
Railways.....	2 00	None	....	1 45
Street railways (horse power).....	70	1 25	1 73	1 97
Vehicle driving.....	....	....	2 79	....
Livery.....	....	....	....	1 52
Omnibus.....	....	....	....	3 65
Trucking.....	....	....	....	9 38
Warehouses.....	60	1 25	....	3 86

† All conveyances \$1.70. * Mechanical, \$2.81; non-mechanical, \$1.45. † A fair average.

It will be seen that while the foreign rates of insurance are always higher, the difference is not sufficient to handicap manufacturers very seriously. To determine an average rate is rather difficult; but in Austria it was 1.55 per cent of wages for the seven years 1890-96, and in Germany for the twelve years 1886-97 1.23 per cent, while liability insurance in New York, so far as can be estimated, costs about fifty cents per \$100 of wages.* Nearly all large concerns either carry liability insurance, or subsidize a provident society of their employees, or maintain special reserve funds to pay compensation in case of serious injuries. The expense of liability insurance in some one of these forms plus the amounts paid gratuitously by generous employers, would go a long way toward compensating all accidents, if the law prescribed such action for all employers. The machinery already exists for insuring employers against their responsibilities for making compensation; all that is needed is a law requiring adequate indemnification of injuries. The selfishness of some employers should not be permitted to nullify the willingness of other employers to do justly by their injured workmen. A workmen's compensation act would put all employers on the same level and would not therefore be opposed by the best class of employers.

And one step might well be taken by the state without waiting for additional information; it should never permit the letting of a contract for building or other public work that does not contain a clause requiring the indemnification, by the contractor, of all injuries sustained by his employees in the course of their employment, without respect to the question of negligence.

An able writer on workmen's insurance has pointed out the backwardness of American legislation respecting the compensation of injuries to workmen, and the following quotation from his work will serve as an appropriate conclusion to this study:

Step by step we have seen almost all of the European nations abandon the position that employees have no claim for damages except when they can prove negligence on the part of their employers, in favor of the one where their compensation by the employers should be compulsory in all cases except where they are wilfully and seriously at fault. The indemnification of injured workmen has thus been made one of the normal items in the cost of operation, to be taken account of as any other charge. At the same time, the effort to enforce this system through the law courts has been abandoned, and the position taken that adequate and prompt compensation can only be secured where the amount of the compensation is determined in advance by a fixed scale of indemnities. It is only as thus organized, moreover, that employers are able to take account of the risks that they run, and provide against them by means of insurance.

While this movement has been going on in Europe, the United States has stood practically still. Scarcely a beginning has been made towards modifying the unjust provisions of the old common law. It is quite beyond our field to attempt any description of the state of the law regarding employers' liability in the United States at the present time. The subject is one of great complexity, and here we are concerned with the principle rather than the details of legislation. It is sufficient to say that the United States are in the position where the injustice the common law in respect to this question is more or less recognized, and attempts are being made to bring about a reform through legislation and judicial decisions. The states are thus still in that primitive stage where a solution is sought in the timid modification of the doctrine of common employment, or what constitutes negligence, and other subtilities of the law. They are thus attempting a method of reform long since abandoned by European nations as one which not only does not do justice to the workman, but is thoroughly inadequate to solve the difficulties of the question. It would be

* The 1,020 firms in New York that reported insurance paid \$187,563 in premiums. Their total annual payrolls for the year ended June 30, 1899, was \$48,975,360; but this was a larger sum than the payroll on which the premiums were actually calculated by the insurance companies, so that the expense of insurance may be estimated at about 50 cents per \$100 of the annual payroll.

Reviser's note.—Much valuable information respecting the costs of the English Acts is afforded by the Reports of the Departmental Committee of 1903-4. It appears that the rates established by the insurance companies when the law went into effect in 1897 were found to be too high and in 1899 were reduced one-third. Under the revised schedule owners of quarries pay \$1.20 on each \$100 of wages per annum, general builders \$1.00, etc. A mutual insurance association in the cotton trade found that one-sixteenth of one per cent was adequate for weaving and about one-fourth of one per cent for spinning.

difficult to think of another field of social or legal reform in which the United States is so far behind other nations.

The most depressing feature of the situation lies in the fact that the very principles involved in this gradual evolution from the limited liability of employers to that of the compulsory indemnification by them of practically all injured employees, are as yet not even comprehended in the United States. Evidently it is useless to expect any decided legislation until the people generally are made to see the justness and correctness of the position for which we are contending, and which has so recently been assumed by Great Britain. The first step, therefore, consists in the education of public opinion. This once accomplished, legislation will inevitably follow.*

Recent Discussion in the United States.

In the nine years that have elapsed since the publication of the foregoing statement by Mr. Willoughby the "education of public opinion" has fairly begun. The Massachusetts Bureau of Statistics of Labor in 1900 published a special report on the "Insurance of Workingmen," and in 1904 the Wisconsin Bureau of Labor devoted a portion of its biennial report to a presentation of the principle of the new legislation, which has been urged by the chief executives of the nation and various states. Thus the Governor of Minnesota in his message to the Legislature in 1905, approved the doctrine, already accepted abroad, that "the industry should bear the risk and not the unfortunate workmen who are now daily deprived of the means of earning a livelihood" by bodily injuries sustained in the course of their employment; and in 1906, the President in his message to Congress, advocated a national law applying the doctrine to interstate carriers. President Roosevelt, elaborated his ideas on the subject in his address at the Jamestown Exposition, June 10, when he said:

"The great increase in mechanical and manufacturing operations means a corresponding increase in the number of accidents to the wage workers employed therein, these including both preventable and inevitable accidents. As the work is done for the employer, and, therefore, ultimately for the public, it is a bitter injustice that it should be the wage worker himself and his wife and children who bear the whole penalty.

"Legislation should be had, alike from the nation and from the states, not only to guard against the needless multiplication of these accidents, but to relieve the financial suffering due to them.

"Last winter Congress passed a safety-appliance law which marked a long stride in the right direction. But there should be additional legislation to secure pecuniary compensation to workmen suffering from accidents, and when they are killed to their families.

"The present practice is based on the view announced nearly seventy years ago, that 'principles of justice and good sense demand that a workman shall take upon himself all the ordinary risks of his occupation.' In my view, principles of justice and good sense demand the very reverse of this view,

* Willoughby, *Workingmen's Insurance*, pages 328-9.

which experience has proved to be unsound and productive of widespread suffering. It is neither just, expedient, nor humane; it is revolting to judgment and sentiment alike, that the financial burden of accidents occurring because of the necessary exigencies of their daily occupation should be thrust upon those sufferers who are least able to bear it, and that such remedy as is theirs should only be obtained by litigation which now burdens our courts.

"As a matter of fact, there is no sound economic reason for distinction between accidents caused by negligence and those which are unavoidable, and the law should be such that the payment of those accidents will become automatic instead of being a matter for a lawsuit. Workmen should receive a certain definite and limited compensation for all accidents in industry, irrespective of negligence. When the employer, the agent of the public, on his own responsibility and for his own profit, in the business of serving the public, starts in motion agencies which create risks for others, he should take all the ordinary and extraordinary risks involved, and, though the burden will at the moment be his, it will ultimately be assumed, as it ought to be, by the general public.

"Only in this way can the shock of the accident be diffused, for it will be transferred from employer to consumer, for whose benefit all industries are carried on. From every standpoint the change would be a benefit. The community at large should share the burden as well as the benefits of industry. Employers would thereby gain a desirable certainty of obligation and get rid of litigation to determine it. The workman and the workman's family would be relieved from a crushing load.

"As a corollary to the above let me point out the extreme unwisdom of the railway companies in fighting the constitutionality of the national employers' liability law. No law is more emphatically needed, and it must be kept on the statute books in drastic and thoroughgoing form. The railroads are prompt to demand the interference and to claim the protection of the federal courts in times of riot and disorder, and in turn the federal government should see to it that they are not permitted successfully to plead that they are under the federal law when thereby their own rights can be protected, but outside of it when it is invoked against them in behalf of the rights of others.

"If it is proper for the federal courts to issue injunctions in behalf of railroads, it is proper that railroads should be held to a strict liability for accidents occurring to their employees. There should be the plainest and most unequivocal additional statement, by enactment of Congress, to the effect that railroad employees are entitled to receive damages for any accident that comes to them as an incident of the performance of their duties, and the law should be such that it will be impossible for the railroads successfully to fight it without thereby forfeiting all right to the protection of the federal government under any circumstances.

"In the same way there should be rigid federal legislation to minimize all railway accidents."

In the annual report which he transmitted to the Legislature on the second of January of this year, the Commissioner of Labor of New York argued in favor of the same principle saying:

"Our law of compensation, as between employer and employee, is based upon the doctrine of negligence. If an employee is injured through his own negligence, he or his family suffers; if through the negligence of his employer, the latter suffers in damages. But an examination of our records shows that an overwhelming proportion of accidents in hazardous occupations in factories are either not due to the negligence of anyone, or are due to the fault of a fellow-servant, or to such quasi-negligence on the part of the workman injured as is really unavoidable and therefore not negligence at all. The first category may be illustrated by the numerous injuries caused by cinders and by practically unpreventable breakages of machinery. The second needs no illustration, but deserves the observation that in dangerous tasks or processes involving mutual coöperation the risks from this cause are extraordinarily heavy. The last is exemplified by the large number of serious accidents to persons engaged in hazardous tasks due solely to the fact that it is absolutely impossible for the most habitually careful persons to be *always* perfectly careful. Such accidents are not properly attributable to negligence, but to a hazard of the occupation. The principle of our law is that an employee assumes the inherent risks of his employment, and therefore that all hardships resulting from such accidents should fall upon the workmen and their families. Workingmen as a class are least able, and — speaking generally — are practically unable to make provision for themselves and families in case of accidental disablement or death. Therefore the consequences of the risks which the law says they have assumed and which presumably therefore they and their families should suffer would generally be absolute destitution, were it not for the fact that charity intervenes, and relatives, friends or the community at large assume the burden of relief. The question naturally arises;— why should the public pay this part of the cost of operating dangerous factories? There are many factories which — although operated with due care — turn out fairly regular quotas of killed and disabled workmen annually. Expressed somewhat brutally, these men are as much an item in the cost of production as machinery worn out or coal consumed. It seems obvious that that cost should be paid by the factory, and not by the public. The state might with unquestionable justice and propriety impose a license tax upon every dangerous factory, based upon the average number and seriousness of the accidents to its employees. If that proposition is sound, there should be no valid objection to profiting by the experience of other nations and in effect laying and applying such a tax in the form of compulsory insurance of employees. The number of prematurely disabled workmen and of the families of those killed or disabled in hazardous occupations is already seriously large, and with the growth of industry is increasing ominously. The question whether the principle of compulsory insurance should not be adopted to remedy their hard conditions must therefore soon arise in this country and in this state. I hope that the statistics which this Department is now gathering will materially aid in deciding that question rightly.

"The present tendency in this state seems to be to ameliorate the workman's position in case of accident by making employers liable for damages for injuries resulting from the negligence of fellow-workmen. Leaving aside the objections that it exposes employers to uncertain liabilities for negligence for

which they are not morally responsible, that it imposes upon the state the expense of supplying the machinery for extensive litigation, and that in practice it diverts an unusually large proportion of the recoveries to attorneys, it is moreover in relation to workmen vitally defective because it affords them no immediate or certain relief, and still leaves them to suffer unrelieved — except by charity — all the consequences of strictly industrial accidents not caused by negligence.”

The participation of legislatures in the movement has thus far been limited to investigation, if exception be made of the co-operative insurance law enacted in Maryland in 1902 which provided for optional insurance in certain industries to secure release from additional liability imposed by the act upon employers, but was soon held unconstitutional by the courts. In 1904 a Massachusetts Committee on the Relations between Employer and Employee, made a unanimous recommendation in favor of the doctrine of *risque professionnel* and presented to the Legislature a draft bill, modeled on the British workmen's compensation act. In 1905 the Legislature of Illinois authorized the appointment of an Industrial Insurance Commission, which presented a report in March, 1907, recommending the enactment of an accident insurance law. The Commission's bill is reprinted below.

Both the Massachusetts and Illinois commissions included representative manufacturers and business men, who were as heartily in favor of the new doctrine as were the representatives of workingpeople. The bills also received support from many employers, whose farsighted and broadminded views are well illustrated in the following argument before the Illinois Legislature by Towner K. Webster, president of the Webster Manufacturing Company of Chicago.

“Every manufacturer figures that he will charge off so much a year for depreciation in buildings and tools. It is the most natural thing in the world that he should do so. His tools wear out in from ten to twenty years, and if he keeps them on the books all that time he is simply fooling himself, and if he keeps his buildings on his books without any depreciation, he is doing the same thing. So every manufacturer who wants really to prove out, charges off each year. Last year, I remember our balance sheet showed that we charged off something over \$20,000. Do I go grumbling around and saying that it is an awful thing to thus charge off \$20,000? Why, no; it is the depreciation. Now, friends, in God's name, why should we not allow for the depreciation in men? Is it a small thing that a man uses himself up in

making our civilization, and so that we must not charge it off? We do know that for every thousand pounds of lead that we manufacture it costs somebody something. To the man who is breathing this poison into his lungs it costs something. Now, should he and his children bear all this burden, or shall we charge it all up against the industry? Let us add one-eighth of a cent a pound. Let us distribute it. Who will know it? And let us put it where it ought to be. Let us take other industries in the same way. We well know that in structural iron work the loss of life is fearful; that when contractors take out this liability insurance the cost is twelve percent on the pay roll. Now what is that twelve percent paid for? That brings me to another part of this discussion which seems to be unfair. That twelve percent goes to a liability insurance company of some kind to protect the manufacturer from being sued. That is where that money goes.

"What I am pleading for is that each industry should take care of the waste in men, that it should be distributed in the industries themselves. I believe that when it is presented to the American people, they will say it is just as fair and just as right to charge up every year the depreciation in machinery and in buildings, and that when we have done that we will have only done our duty toward the great body of laborers, and we will not pay out, in my judgment, a single cent more than we are paying now. We pay it all now just the same. Don't think for a minute that we are not paying it. We are paying it in the hospitals, in the poor houses, in the degradation, in the pulling down of all these people, where they are swept under and become the 'submerged tenth,' simply because we are not doing justice to them. Let us put upon every industry, if it is extra hazardous, that cost. Let us pay it as we should pay any honest bill."

The Bill of the Illinois Industrial Insurance Commission.

A Bill for an act to facilitate the insurance of employees against the consequences of accidents resulting in personal injury or death and to permit agreements between employers and employees with reference to such accidents.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That it shall be lawful for any employer to make a contract in writing with any employee whereby the parties may agree that the employee shall become insured against accident occurring in the course of employment which results in personal injury or death, in accordance with the provisions of this Act, and that in consideration of such insurance the employer shall be relieved from the consequences of acts or omissions by reason of which he would without such contract become liable toward such employee or toward the legal representative, widow, widower, or next of kin, of such employee.

§ 2. Such insurance shall be effected in some casualty insurance company, organized under the laws of the State of Illinois or admitted to do business in this State, provided that any employer employing not less than fifteen hundred (1500) employees may establish an insurance fund from sums contributed by himself and his employees, upon condition that he undertake and agree to make up any deficiency in insurance benefits that may arise out of the inadequacy of such fund. Such fund shall be inviolably appropriated as a trust fund for the purposes of such insurance, and shall not be invested otherwise than in accordance with the provisions of section 14 of an act to provide for the organization of mutual insurance corporations, approved May 16, 1905. Provision shall be made for the election by the insured employees of an advisory committee which shall be kept informed regarding the state of the insurance fund, and shall have the

right to examine the books kept in connection therewith. Such books shall also be subject to the inspection of the insurance superintendent of the State in the same manner as the books of insurance companies doing business in this State.

Upon the request of the employer, or upon the request of the advisory committee, the Insurance Superintendent shall act as depositary of the securities in which any such fund may be invested.

If any employer desires to discontinue an insurance fund maintained by him, or if he discontinues his business without transferring the same to a successor or assign taking over and agreeing to maintain such fund, he shall notify the Insurance Superintendent of his purpose, who shall thereupon supervise the disposition of the insurance fund. Such fund shall be distributed among those equitably entitled to it according to their contributions (not taking into consideration expenses of the management), and where those entitled to any part of the fund cannot be discovered or ascertained, the moneys remaining unclaimed shall be paid into the insurance department to be held and disposed of as may be provided by law. The Insurance Superintendent shall be entitled to be paid out of such fund the reasonable expenses of his supervision including a compensation not to exceed ten dollars per day for the time of any person or persons (other than a salaried employee of his office) employed by him for the purpose of such supervision necessarily spent in connection therewith.

§ 3. Such insurance shall cover the risk of personal injury by accident arising out of and in course of the employment, resulting in death, provided death occur within twelve months from the time of such injury, or resulting in disability, whether the same be total or partial, permanent or temporary.

§ 4. The insurance in case of death shall be for the benefit of such persons, being the widow, widower, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, or half-sister, as are dependent wholly or in part for their support upon the earnings of such employee (all of which persons are hereinafter designated as dependents of such employee, or of such of them as may be named in the contract or the policy to which it refers and the persons for whose benefit such insurance is made shall be bound by the agreement authorized by the first section of this Act.

§ 5. In order to satisfy the requirements of this Act the benefits payable under such insurance shall be at least as follows:

(1) In case of death.

(a) If the employee insures for the benefit of any dependents wholly dependent upon his wages at the time of his death, a sum equal to his wages in the employment of said employer during a period of three years next preceding the accident, but not less, in any case, than the sum of one thousand dollars, provided that the amount of any weekly payments made under such insurance or any lump sum paid in redemption thereof may be deducted from such sum, and if the period of the employee's employment by said employer has been less than said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment by said employer.

If the employee insures for the benefit only of persons partly dependent upon his wages at the time of his death, then a sum equal to the payments provided for the benefit of persons wholly dependent less six times the average annual earnings, or if employed for less than a year, then less three hundred times the average weekly earnings of the said dependent person or persons partly dependent on his wages.

(c) If the employee leaves no dependents, then the reasonable expenses of his medical attendance shall be paid; and in addition, burial expenses not less than \$75 nor more than \$100 shall be paid.

And the contract or the policy therein referred to may provide for the payment, instead of a lump sum, of a weekly sum which in the case of persons wholly dependent, shall not be less than the weekly payment in case of total disability hereinafter provided for, and which in the case of persons partly dependent shall not be less than the weekly payment in case of total disability, less the amounts earned by the persons partly dependent, and which sum may be divided between the dependents in such manner as such contract or policy may provide or as may otherwise be agreed upon; or such contract or policy may provide for a combination of lump sums and weekly payments, or for the substitution of one for the other.

(ii) In case of injury not resulting in death, where total disability results from the injury, a weekly payment during the period of such disability shall be paid to the insured, which shall not be less than 50 per cent. of his average weekly wages during the previous twelve months, if he has been so long employed by the contracting employer; if not, then a weekly benefit during the period of such disability which shall not be less than 50 per cent. of his average weekly wages during such shorter period as he has been in the employment of said employer.

(iii) In case of injury not resulting in death, where partial disability results, such weekly payment shall be made during the period of such partial disability as is equal to the difference between the weekly benefit payment during the period of total disability and the average amount which the injured person is able to earn after the accident. Loss by actual separation at or above the wrists or ankles of both hands or both feet, or of one hand and one foot, or the irrevocable loss of both eyes shall be deemed to be equal to total disability; the loss by actual separation at or above the wrist or ankle of one hand or one foot shall be equal to one-half of total disability; and the loss of one eye shall be equal to one-fifth of total disability. Total disability shall be deemed to mean inability to carry on any gainful occupation.

The contract or the policy herein referred to may provide that no benefits shall be paid in case of any injury which does not incapacitate the employee for a period of at least one week from earning full wages at the work at which he was employed at the time of the accident.

§ 6. Any contract, in order to satisfy the requirements of this Act, shall provide that the employer shall contribute not less than 50 per cent. of the insurance premiums and the employees shall contribute the remainder of the premiums. In case the employer provides any insurance fund out of contributions made by himself and his own employees as above provided, such employer shall pay the whole of the expenses of the management of such fund and all contributions shall be paid into such fund without any deduction by reason of such expense.

§ 7. The contract may provide that upon penalty of forfeiture of the benefits of the insurance the employee shall give reasonable and timely notice to his employer, to be fixed by the terms of the contract, of any accident which may entitle him to the benefits of such insurance, and that he shall submit himself to medical examination as required by the employer at the employer's expense.

§ 8. The contract may provide that the premium payable by the employees shall be deducted from their wages. An employer who shall wilfully and feloniously appropriate the amounts so deducted from the wages to any use other than the payment of insurance premiums as stipulated in the contract, shall be guilty of embezzlement, and shall be punished accordingly.

§ 9. The contract between the employer and employee may provide that the insurance premiums shall be paid into the hands of a treasurer to be elected or appointed by the employees or by the employer and the employees in such manner and under such voting arrangements as the contract may specify. The payment of the premiums to the treasurer shall relieve the employer, and the penalty above prescribed for misappropriation of the funds required to be applied to insurance shall apply to such treasurer.

§ 10. In case of nonpayment of the premiums within one month after the same are payable, the insurance company shall within two months after the expiration of such month send notice of such default by mail to the insured and to the insurance superintendent of the State. The insurance policy or the contract between the employer or employee may specify a shorter period than the one herein provided for. Until the required notice shall have been sent, the policy shall not be forfeited for nonpayment of the premium.

§ 11. The employer may also advance the premiums of insurance for such number of employees and at such rates as may be agreed upon between him and the insurance company, and may thereupon be supplied by the insurance company with blank policies to be filled in by him with the name of any beneficiary under the provisions of this Act and to be executed by him as agent of such company; and he may thereupon reimburse himself for the amounts payable by the employee by deducting the same from the wages of such employee.

§ 12. Such contract may provide that upon termination of his employment, from any cause whatever, the employee and his dependents shall cease to be entitled to the benefits of such insurance except as regards accidents occurring before the termination of his employment.

§ 13. Such contract may provide that any controversy regarding the extent of disability or the extent of dependency, or any controversy between dependents as to the amounts payable to them respectively, shall be settled by arbitration, the arbitrators to be named by the mutual consent of the parties, and should the parties fail to agree upon an arbitrator, then the arbitrator to be named by a judge of the circuit court of the county in which the accident happened, and the award of such arbitrator shall be binding upon both the employer and the employee or his dependents as the case may be.

§ 14. Any insurance paid in accordance with the provisions of this Act shall not be liable to attachment by trustee, garnishee, or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of the insured or any beneficiary, nor shall any claim to insurance money be assignable by the payee before the same is paid.

§ 15. A contract for insurance in pursuance of the terms of this Act shall not relieve the employer from liability for any accident due to his failure to comply with the lawful directions of any competent administrative authority given in the interest of the safety of employees, unless it shall have been impossible to carry out such directions by the time that the accident happened, or unless the enforcement of such directions has been suspended by the order of a court of competent jurisdiction.

§ 16. Every employer shall file with the Insurance Superintendent a copy of the form of contract and policy which he shall use under the provisions of this Act and in the event of such form being departed from in any particular case, shall also file a copy of such particular contract. If he shall fail to do so he shall be liable to a penalty of \$50.00, in each case to be recovered in an action of debt in the name of the people of the State.

§ 17. A quarterly report of all settlements and payments of insurance benefits shall be filed by the employer with the Insurance Superintendent. If such employer shall fail to make such report in thirty days after demand by the Insurance Superintendent, he shall be liable to a penalty of \$50.00, to be recovered in an action of debt in the name of the People of the State.

§ 18. The Insurance Superintendent shall prepare blanks of contract and policies complying with the provisions of this Act and shall distribute the same upon application free of charge.

§ 19. Nothing in this Act contained shall be construed as authorizing any employer and any officer or agent of such employer to require any employee or any person seeking employment as a condition of such employment or of the continuance of such employment, to enter into a contract, or to continue in such contract, such as is authorized to be made by section 1 of this Act.

Recent Statistics of Accident Insurance in Germany.

The three branches of the national insurance system of Germany, in the order of their establishment, are sickness, accident and infirmity (invalidity and old age) insurance. The accident statistics are, however, complicated by the fact that minor accidents, resulting in disablement for a shorter period than three months, are not compensated from the accident insurance funds at all, but are treated as cases of sickness.

In 21 years the funds raised under the compulsory insurance system have aggregated \$1,750,000,000, of which the employers have contributed 45 per cent, the workmen and other insured persons 41 per cent and the government 5 per cent, while the remaining 9 per cent came from interest on accumulated funds, etc.*

In the same period the expenditures have been \$1,400,000,000 (5,627,416,847 marks), of which \$130,000,000 (520,049,584 marks), or less than 10 per cent, were used in operating expenses, the remainder having gone directly to the beneficiaries in the form of benefits, annuities, pensions, etc. In the accident insurance system alone the administrative expenses were 15 per cent of the total expenditures, which is a very low ratio in comparison with ordinary insurance companies. In the manufacturing and building industries, the cost of management in 1905 figured to 25 cents per person insured, 1½ marks (30 cents) per 1,000 marks of wages, and 21 marks per accident.

*The following table exhibits the receipts and expenditures of each branch of the insurance system from the several sources mentioned; amounts are given in the German mark, which is equivalent to 23.8 cents:

INSURANCE AGAINST—				
	Sickness (1885-1905).	Accident (1885-1905).	Infirmity (1891-1905).	Total.
CONTRIBUTORS.				
Employers....	911,900,732	1,475,922,656	910,334,798	3,298,158,186 = 45%
Workmen....	2,081,434,626	.....	910,334,798	2,991,769,424 = 41%
Government..	.....	.....	386,826,214	386,826,214 = 5%
Interest, etc..	148,460,417	195,642,512	324,102,875	668,205,804 = 9%
Total....	<u>3,141,795,775</u>	<u>1,671,565,168</u>	<u>2,531,598,685</u>	<u>7,344,959,628 = 100%</u>
EXPENDITURES.				
Administrative expenses....	169,105,822	219,055,200	131,888,562	520,049,584
Indemnities....	2,751,291,038	1,193,906,302	1,162,169,923	5,107,367,263
Total....	<u>2,920,396,860</u>	<u>1,412,961,502</u>	<u>1,294,058,485</u>	<u>5,627,416,847</u>
Accumulated funds.....	226,106,493	258,603,666	1,237,540,200	1,722,250,359

—Statistisches Jahrbuch für das Deutsche Reich, 1907.

The number of persons insured against accident can not be precisely stated, because there is inevitably some duplication of those who change their occupation, as do laborers on farms, construction work, etc. The aggregate of the persons insured in the various branches in 1905 was 20,242,512, and the government authorities estimate the number counted twice at $1\frac{1}{2}$ million. Even then the number insured exceeds the number of wage earners, owing to the fact that large numbers of salaried workers and small proprietors (working on their own account but employing no workmen) are insured. There is no obligation to be insured resting on employees earning more than 3,000 marks (\$714) per annum.

The accompanying tables contain the more important statistics concerning industrial accidents in Germany. It will be observed that the number of accidents has increased relatively as well as actually. The superficial explanation of the increase would be growing carelessness on the part of the workmen, but this explanation is not borne out by a careful analysis of the statistics. The more exact statistics of the 66 trade associations which embrace virtually all the workmen outside of agriculture and forestry and the government railway service and navy yards, show that the relative number of workmen killed or disabled for life has been decreasing in the last four or five years. The ratio of minor injuries has increased in Germany as it has in other countries that make increasing use of machinery.

The expenses of the accident insurance system in 1905 were 175,594,500 marks (\$44,000,000) and the receipts 178,965,632 marks, of which 157,822,737 marks were derived from assessments on the employers and the remainder from interest on reserves, etc. Data as to wages are given only for the 66 industrial associations outside of agriculture and government works and in these associations the employers were assessed 117,700,000 marks (\$29,000,000) on a total payroll of 6,996,660,700 (\$1,749,000,000); that is to say they paid an average of \$17 for each \$1,000 expended in wages in 1905. Each trade association is charged only with its own accidents, but it can penalize those of its members who refuse or neglect to follow out its regulations for the prevention of accidents by augmenting their premiums above the regular assessment. The assessments naturally vary from one industry to another, being very low in the tobacco trade associations and relatively high in mining, vehicle driving, etc.

GERMAN ACCIDENT STATISTICS. *

1. ALL BRANCHES OF THE COMPULSORY ACCIDENT INSURANCE SYSTEM.

YEAR.	Number of names on insurance-rolls.†	Number of persons injured.	Number of accidents per 1,000 names.	ACCIDENTS INDEMNIFIED (i. e., SUCH AS EN-TAILED DISABLEMENT FOR AT LEAST THREE MONTHS).			
				Total number.	Fatal.	Perma-nent dis-ability.	Number of survivors or depend-ents.
1886 . . .	3,725,313	100,159	27.6	10,540	2,716	1,778	5,935
1887 . . .	4,121,537	115,579	28.0	17,102	3,270	3,166	7,083
1888 . . .	10,343,678	138,059	113.3	21,236	3,692	2,216	7,764
1889 . . .	13,374,566	174,874	13.0	31,449	5,260	2,908	10,594
1890 . . .	13,619,750	200,001	14.7	42,038	5,047	2,708	11,327
1891 . . .	18,015,286	224,337	12.5	51,209	6,428	2,595	12,837
1892 . . .	18,014,280	236,265	13.1	55,654	5,911	2,664	11,835
1893 . . .	18,118,850	264,130	14.6	62,729	6,336	2,507	12,763
1894 . . .	18,191,747	282,982	15.6	69,619	6,361	1,784	12,296
1895 . . .	18,389,468	310,139	16.9	75,527	6,448	1,706	12,800
1896 . . .	17,605,190	351,789	20.0	86,403	7,101	1,547	13,953
1897 . . .	17,947,447	382,117	21.3	92,326	7,416	1,507	14,644
1898 . . .	18,246,013	407,522	22.2	98,023	7,984	1,139	16,004
1899 . . .	18,604,124	443,313	23.8	106,036	8,124	1,326	16,076
1900 . . .	18,892,891	454,341	24.1	107,654	8,567	1,390	17,216
1901 . . .	18,866,712	476,260	25.2	117,336	8,501	1,446	17,324
1902 . . .	19,082,758	488,707	25.6	121,284	7,975	1,435	16,924
1903 . . .	19,465,422	530,507	27.3	129,375	8,370	1,538	18,587
1904 . . .	19,876,055	583,965	29.4	137,673	8,752	1,604	19,100
1905 . . .	20,242,512	609,160	30.1	141,121	8,928	1,487	19,086

* Atlas und Statistik der Arbeitsversicherung des Deutschen Reichs (Supplement to Reichs-Arbeitsblatt, June, 1904); Statistisches Jahrbuch für das Deutsche Reich, 1907.

† The number of persons insured is considerably smaller owing to unavoidable duplications.

‡ Ratio reduced in 1888 by extension of the law to agriculture, etc.

2. INDUSTRIAL OR TRADE ASSOCIATIONS (66), EXCLUSIVE OF AGRICULTURE AND
GOVERNMENT WORKS (RAILWAYS).

YEAR.	Number of persons insured.	Number injured.	INDEMNIFIED INJURIES.				
			Total number.	Fatal.	PERMANENT DIS- ABILITY.		Tempo- rarily dis- abled (more than three months).
					Com- plete.	Partial.	
(a) Actual numbers.							
1886.....	3,473,435	92,319	9,723	2,422	1,548	3,780	1,973
1887.....	3,861,660	106,001	16,970	2,956	2,827	8,126	2,061
1888.....	4,320,663	121,164	18,809	2,943	1,886	10,270	3,710
1889.....	4,742,548	139,549	22,340	3,382	2,331	12,788	3,839
1890.....	4,926,672	149,188	26,403	3,597	1,869	16,109	4,828
1891.....	5,093,412	162,674	28,289	3,634	1,570	17,481	5,604
1892.....	5,078,132	165,003	28,619	3,282	1,507	18,049	5,781
1893.....	5,168,973	182,120	31,171	3,589	1,377	19,740	6,465
1894.....	5,243,965	190,744	32,797	3,438	855	20,025	8,479
1895.....	5,409,218	205,019	33,728	3,644	780	19,312	9,992
1896.....	5,734,680	233,319	38,538	4,040	595	20,251	13,652
1897.....	6,042,618	252,382	41,746	4,252	625	21,247	15,622
1898.....	6,316,834	270,907	44,881	4,613	538	22,348	17,382
1899.....	6,658,671	298,918	49,175	4,772	581	23,837	19,985
1900.....	6,928,894	310,105	51,697	5,108	592	24,790	21,207
1901.....	6,884,076	319,576	55,525	4,979	595	26,158	23,793
1902.....	7,100,537	326,566	57,244	4,572	605	26,680	25,387
1903.....	7,466,484	356,202	60,550	4,720	621	27,427	27,782
1904.....	7,849,120	392,658	65,205	4,976	603	28,868	30,758
1905.....	8,195,732	414,445	68,360	5,154	572	29,423	33,211
(b) Ratio of injuries to each 1,000 persons insured.							
1886.....	.....	27.4	2.89	0.70	0.46	1.13	0.59
1887.....	.....	27.5	4.14	0.77	0.73	2.11	0.53
1888.....	.....	28.0	4.35	0.68	0.43	2.38	0.86
1889.....	.....	29.4	4.71	0.71	0.49	2.70	0.81
1890.....	.....	30.8	5.29	0.72	0.37	3.23	0.97
1891.....	.....	31.9	5.55	0.71	0.32	3.42	1.10
1892.....	.....	32.5	5.64	0.65	0.30	3.55	1.14
1893.....	.....	35.2	6.03	0.69	0.27	3.82	1.25
1894.....	.....	36.37	6.25	0.65	0.16	3.82	1.62
1895.....	.....	37.90	6.24	0.67	0.15	3.57	1.85
1896.....	.....	40.69	6.72	0.71	0.10	3.53	2.38
1897.....	.....	41.77	6.91	0.70	0.10	3.52	2.59
1898.....	.....	42.89	7.10	0.73	0.08	3.54	2.75
1899.....	.....	44.89	7.39	0.72	0.09	3.58	3.00
1900.....	.....	44.76	7.46	0.74	0.08	3.58	3.06
1901.....	.....	46.42	8.07	0.72	0.09	3.80	3.46
1902.....	.....	45.99	8.06	0.64	0.08	3.76	3.58
1903.....	.....	47.70	8.11	0.63	0.08	3.68	3.72
1904.....	.....	50.02	8.31	0.63	0.08	3.68	3.92
1905.....	.....	50.57	8.34	0.63	0.07	3.59	4.05

INTERNATIONAL LABOR STATISTICS.

Numerical Strength of Trade Unions at Home and Abroad.

In the following pages appear the latest statistics available concerning trade unions in the principal countries which are included in the summary table below with other countries not represented among the special articles:

COUNTRY.	Date.	Source of information.	Aggregate membership.
*United States and Canada.....	1907.....	Estimated.....	2,300,000
*Germany.....	(Av'ge) 1906.....	Unions.....	2,215,165
*Great Britain and Ireland.....	Jan. 1, 1906.....	Government.....	1,887,823
France.....	Jan. 1, 1906.....	Government.....	836,134
*Austria.....	Jan. 1, 1907.....	Unions.....	448,270
*Italy.....	1906-7.....	Government.....	426,184
New York.....	April, 1907.....	Government.....	414,718
*Hungary.....	Jan. 1, 1907.....	Unions.....	153,332
*Belgium.....	Jan. 1, 1906.....	Unions.....	148,483
*Sweden.....	Nov., 1906.....	Unions.....	126,272
Australia.....	Jan. 1, 1904.....	Government.....	100,626
Denmark.....	Jan. 1, 1907.....	Unions.....	99,052
Switzerland.....	1906.....	Unions.....	57,300
Netherlands.....	1904.....	Unions.....	37,721
Spain.....	March, 1906.....	Unions.....	36,557
New Zealand.....	1904.....	Government.....	27,714
*Norway.....	Jan. 1, 1907.....	Unions.....	25,000

For several countries no recent data are available, although this applies rather to the smaller countries; of the larger countries, however, the latest figures published by the government are those for December 31, 1904, which were summarized in the BULLETIN of September, 1906. The Australian figures for 1904 pertain only to *registered* trade unions, which include but a minority of unionists in Victoria and the colonies that have not established compulsory arbitration.

The figures for the United States and Canada are crudely estimated. At the period of largest expansion two or three years ago, union leaders claimed a membership of 2½ million in this country. While the membership has fallen off in numbers since, it is probable that the aggregate still remains larger than that of Germany, which has now outstripped England, the mother of Trade Unionism.

*See special article on a subsequent page.

AMERICAN LABOR ORGANIZATIONS.

The membership of trade unions in the United States can only be stated approximately, as there are numerous organizations that publish no figures and many others claim no accuracy for the figures that they do publish; even the American Federation of Labor does not obtain accurate reports as to the membership of the affiliated national unions. The only figures published by the Federation are those showing the voting strength of the affiliated unions, which is based on the average number of members paying per capita tax to the Federation. This naturally prevents overstatement and some unions prefer to make very conservative returns. Thus the iron molders' union which according to its official journal of May, 1906, had 90,692 members, is credited in the Federation returns for the year ended September 30, 1906, with a membership of 45,000. Taking the figures as reported, however, and estimating the membership of certain other organizations which publish no figures, the following totals are arrived at:

I. American Federation of Labor.....	*1,444,200
II. Railway employees:†	
Carmen, and clerks (estimated).....	30,000
Conductors.....	36,500
Engineers (1907).....	52,340
Firemen.....	58,849
Trainmen.....	83,807
	<hr/> 261,500
III. Other national unions‡.....	150,000
IV. Knights of Labor and other general organizations or federations.....	115,000
	<hr/> 1,970,700

These figures do not indicate the absolute strength of organized labor in the United States, but are useful in making comparisons with previous years. The total is somewhat smaller than that of 1905. While in this State the effects of the trade depression of 1903-4 were felt by the labor organizations in 1904 and 1905, with a recovery in 1906, in the country at large, the gains made by the trade unions in 1906 were virtually canceled by the losses; the American Federation of Labor, in fact, sustained a net loss of 50,000 in its average membership for the year, although its receipts were larger than in 1905, thus:

*Includes members in Canada.

†Four unions of railway employees are affiliated with the Federation, namely, the car workers, switchmen, telegraphers and trackmen (see table on following page).

‡Including the box makers and sawyers, bricklayers and masons, marine engineers, glass blowers, letter carriers, miners (Western Federation), plasterers, stone cutters, stone masons

YEAR.	Charters Issued.				Gains in membership.*	Net gain in membership.†	Total membership.‡	National unions affiliated.	Receipts.	Expenditures.
	National unions.	State and city federations.	Local unions.	All organizations.						
1897....	8	20	189	217	62,292	\$7,490	264,825	55	\$18,640	\$19,114
1898....	9	12	182	203	34,280	14,791	278,016	67	18,894	19,197
1899....	9	36	405	450	141,390	71,406	349,422	73	36,757	30,591
1900....	14	101	734	849	300,446	198,899	548,321	82	71,126	68,373
1901....	7	127	782	916	361,410	239,216	787,537	87	115,221	118,708
1902....	14	138	877	1,024	283,827	236,862	1,024,399	97	144,498	119,087
1903....	20	174	1,139	1,333	615,731	441,401	1,465,800	113	247,803	196,016
1904....	11	104	328	443	253,485	209,600	1,675,400	120	220,996	203,991
1905....	3	68	216	287	38,326	181,100	1,494,300	118	207,418	196,170
1906....	6	57	254	317	73,473	\$50,100	1,444,200	119	217,815	218,540

More charters were issued in 1906 than in 1905, and the indications all point to a resumption of the activity which attained its height in 1903 when 1,333 charters were issued and the receipts aggregated \$247,803 as compared with \$217,815 last year. Of the larger unions affiliated with the Federation the carpenters alone chronicled distinct gains in 1906, when they reported an average monthly membership of 163,700 (as against 143,200 in the previous year.) They still rank second, however, to the United Mine Workers who had 237,900 members (261,900 in the preceding year). The painters paid per capita taxes on a membership of 55,500 and the retail clerks and the machinists on 50,000 each. The iron molders were next with 45,000 members, followed by the compositors with 43,800 members, the teamsters with 40,200 (78,300 in 1905) and the cigarmakers with 39,100. The figures for all unions in the last three years are given in the following table:

NATIONAL UNIONS AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR.

NAME OF ORGANIZATION	Average monthly membership reported.		
	1904.	1905.	1906.
American Federation of Labor—local unions.....	55,300	28,600	24,500
Actors' Nat'l Protective Union of America.....	1,100	1,000	1,100
Bakery and Confectionery Workers' International Union of America	16,200	12,000	10,600
Barbers' Int'l Union, Journeymen.....	23,600	22,700	23,100
Bill Posters and Billers of America, Nat'l Alliance.	1,300	1,400	1,400
Blacksmiths, Int'l Brotherhood of.....	10,500	10,000	8,200
Blast Furnace Workers and Smelters of America, Int'l Association of.....	1,500	1,500	†

*Neglecting losses.

†The membership represents the number of members paying dues to the A. F. of L. averaged for the twelve months ending October 31, each year, 1897 to 1901, and September 30, in 1902-6.

‡The official figures for 1904 were 1,676,200, but they involve the duplication of the slate quarrymen's union with 800 members.

§Loss.

† Disbanded.

NATIONAL UNIONS AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR—
(Continued).

NAME OF ORGANIZATION	Average monthly membership reported.		
	1904.	1905.	1906.
Boiler Makers and Iron Ship Builders of America, Brotherhood of	19,000	13,400	12,800
Bookbinders, Int'l Brotherhood of.....	8,500	8,800	6,800
Boot and Shoe Workers' Union.....	32,000	32,000	32,100
Brewery Workmen, Int'l Union of United.....	30,500	34,000	36,000
Brick, Tile and Terra-Cotta Workers' Alliance, Int'l.	7,300	4,100	6,400
Bridge and Structural Iron Workers, Int'l Ass'n of.	11,500	10,000	10,000
Broom and Whisk Makers' Union, Int'l.....	1,100	1,000	1,000
Brushmakers' International Union.....	700	700	500
Building Employees of America, Int'l Union.....	800	**	**
Cap Makers of N. Amer., United Cloth Hat and...	2,900	2,800	2,100
Carpenters and Joiners, Amalgamated Society of..	5,000	4,800	4,300
Carpenters and Joiners of America, United Bro. of	155,400	143,200	163,700
Carriage and Wagon Workers, Int'l.....	5,500	3,200	3,100
Car Workers, Int'l Association of.....	10,200	5,000	4,900
Cement Workers, American Bro. of.....	4,400	3,800	4,200
Chainmakers' Nat'l Union of the U. S. of America.	600	800	600
Cigarmakers' Int'l Union of America.....	40,500	41,400	39,100
Clerks' Int'l Protective Association, Retail.....	50,000	50,000	50,000
Clerks, Int'l Association of Railway.....	600	†	†
Compressed Air Workers Union, Int'l.....	1,200	1,200	1,300
Coopers' Int'l Union of North America.....	7,100	5,800	5,500
Curtain Operatives of America, Amalgamated Lace.	600	700	800
Cutting Die and Cutter Makers, Int'l Union of....	.....	300	300
Electrical Workers of America, Int'l Bro. of.....	21,000	21,000	21,000
Elevator Constructors, Int'l Union of.....	2,200	2,200	2,200
Engineers, Int'l Union of Steam.....	17,800	17,500	17,500
Expressmen of America, Bro. of Railway.....	300	†	†
Firemen, Int'l Bro. of Stationary.....	18,000	12,200	12,300
Flour and Cereal Mill Employees, Int'l Union of..	2,100	900	700
Foundry Employees, Int'l Bro. of.....	1,000	1,000	1,000
Freight Handlers and Warehousemen's Int'l Union of America, Interior.....	3,300	3,400	3,200
Fur Workers of the U. S. and Canada, Int'l Ass'n of.	300	400	400
Garment Workers of America, United.....	45,700	31,900	24,000
Garment Workers' Union, Int'l Ladies'.....	2,200	1,800	1,300
Glass Bottle Blowers' Ass'n of U. S. and Canada..	6,600	7,000	7,800
Glass House Employees, Int'l Association.....	600	200	200
Glass Snappers' Nat'l Protective Association of America, Window	1,100	1,200	1,000
Glass Workers' Int'l Association, Amalgamated...	1,700	1,700	1,600
Glass Workers of America, Amalgamated Window.	.....	.....	5,800
Glove Workers' Union of America, Int'l.....	2,000	1,100	800
Gold Beaters' Nat'l Prot. Union of Am., United...	300	800	300
Granite Cutters' Int'l Ass'n of America.....	9,900	10,300	11,300
Hatters of North America, United.....	8,500	8,500	8,500
Hod Carriers' and Building Laborers' Union of America, International	8,500	4,700	5,000
Horsehoers of United States and Canada, International Union of Journeymen.....	4,200	4,200	4,100
Hotel and Restaurant Employees' Int'l Alliance and Bartenders' Int'l League of America.....	49,400	38,700	34,500

* Withdrawn.

† Disbanded.

‡ Suspended.

§ Amalgamated with machinists.

** Charter revoked.

NATIONAL UNIONS AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR —
(Continued)

NAME OF ORGANIZATION	Average monthly membership reported.		
	1904.	1905.	1906.
Insulators and Asbestos Workers of America, Nat'l Association of Heat, Frost and General.....	700	800	500
Iron, Steel and Tin Workers, Amalgamated Ass'n of Jewelry Workers' Union of America, Int'l.....	13,500	10,000	10,000
Knife Grinders' Nat'l Union, Table.....	2,400	700	400
Knife Blade Grinders' and Finishers' Nat'l Union, Pocket.....	300	300	300
Lathers, Int'l Union of Wood, Wire and Metal....	.....	200	300
Laundry Workers' Int'l Union, Shirt, Waist and..	5,900	4,300	4,000
Leather Workers on Horse Goods, United Bro. of.	6,500	4,800	5,500
Leather Workers' Union of America, Amalgamated.	4,800	4,000	4,000
Lithographers' Int'l Protective and Beneficial Ass'n of the U. S. and Canada.....	2,500	1,000	1,000
Longshoremen's Association, Int'l.....	.....	.....	3,000
Machinists, Int'l Association of.....	50,000	47,800	34,000
Maintenance of Way Employees, Int'l Bro. of....	55,700	48,500	50,000
Marble Workers, Int'l Association of.....	12,800	12,000	12,000
Mattress, Spring and Bedding Workers' Int'l Union	800	1,800	1,700
Meat Cutters and Butcher Workmen of North America, Amalgamated	1,500	1,500	†
Metal Mechanics, Int'l Association of Allied.....	34,400	6,200	5,000
Metal Polishers, Buffers, Platers and Brass Workers' Int'l Union of North America.....	7,000	§	§
Metal Workers' Int'l Union, United.....	12,800	10,300	10,000
Mine Managers and Assistants' Mutual Aid Association, Nat'l	9,600	**	**
Mine Workers of America, United.....	400	400	400
Molders' Union of North America, Iron.....	257,700	261,900	237,900
Musicians, American Federation of.....	30,000	30,000	45,000
Oil and Gas Well Workers, Int'l Bro. of.....	22,000	30,800	35,400
Painters, Decorators and Paperhangers of America, Brotherhood of	400	400	†
Paper Box, Bag and Novelty Workers' Int'l Union.	60,700	54,200	55,500
Paper Makers of America, United Bro. of.....	1,200	900	700
Pattern Makers' League of North America.....	8,800	5,000	3,500
Pavers and Rammermen, Int'l Union of.....	3,700	3,600	4,000
Paving Cutters' Union of U. S. and Canada.....	.....	1,000	1,200
Photo-Engravers' Union of North America, Int'l..	1,200	1,300	1,500
Piano and Organ Workers' Union of America, Int'l.	1,700	2,200	2,200
Pilots' Protective Ass'n of the Great Lakes, Lake..	9,900	9,000	8,000
Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the U. S. and Canada, United Association of .....	.....	.....	1,000
Potters, Nat'l Bro. of Operative.....	16,500	15,000	15,000
Powder and High Explosive Workers of America, United	5,800	5,600	5,600
Print Cutters' Association of America, Nat'l.....	700	500	600
Printers and Color Mixers of the United States, National Association of Machine.....	300	400	400
Printers' Association of America, Machine Textile.	400	400	400

* Withdrawn.

† Disbanded.

‡ Suspended.

§ Amalgamated with machinists.

** Charter revoked.

NATIONAL UNIONS AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR—
(Concluded)

NAME OF ORGANIZATION	Average monthly membership reported.		
	1904.	1905.	1906.
Printers' Union of North America, Int'l Steel and Copper Plate.....	1,000	1,100	1,200
Printers, International Brotherhood of Tip.....	200	200	200
Printing Pressmen's Union, International.....	16,000	17,000	16,600
Quarry Workers' Int'l Union of North America....	2,600	3,600	3,800
Roofers' Union of America, Int'l Slate and Tile...	700	600	500
Rubber Workers' Union of America, Amalgamated.	200	100	†
Saw Smiths' Nat'l Union.....	800	300	300
Seamen's Union of America, Int'l.....	20,100	19,500	19,400
Sheet Metal Workers' Int'l Alliance, Amalgamated.	15,800	13,000	12,900
Shingle Weavers' Union of America, Int'l.....	1,400	1,600	1,700
Shipwrights, Joiners and Calkers of America, National Union of.....	3,400	2,400	2,000
Slate Workers, International Union of.....	800	900	1,800
Spinners' Association, Cotton Mule.....	2,500	2,200	2,200
Steam and Hot Water Fitters and Helpers of America, Int'l Ass'n of.....			5,400
Steel Plate Transferers' Ass'n of America.....			100
Stereotypers' and Electrotypers' Union of North America, International	2,400	2,800	2,800
Stove Mounters' International Union.....	1,700	1,500	1,500
Street and Electric Railway Employees of America, Amalgamated Association of.....	30,000	30,000	30,000
Switchmens' Union of North America.....			8,100
Tack Makers' Int'l Union.....	200	200	†
Tailors' Union of America, Journeymen.....	15,900	16,000	16,600
Teamsters, International Brotherhood of.....	84,000	78,300	40,200
Telegraphers, Order of Railroad.....	15,000	15,000	15,000
Telegraphers' Union of America, The Commercial..	2,000	2,000	2,000
Textile Workers of America, United.....	10,500	10,000	10,000
Theatrical Stage Employees' Int'l Alliance.....	5,000	5,500	6,000
Tile Layers and Helpers' Union, International Ceramic, Mosaic and Encaustic.....	1,700	1,400	1,900
Tin Plate Workers' Protective Ass'n of America, Int'l	1,600	1,400	1,400
Tobacco Workers' International Union.....	5,600	5,400	5,500
Travelers' Goods and Leather Novelty Workers' International Union of America.....	1,500	1,300	900
Tube Workers, Int'l Association of.....	1,500	*	*
Typographical Union, International.....	46,700	46,700	43,800
Upholsterers' Int'l Union of North America.....	3,000	2,800	2,600
Watch Case Engravers, Int'l Association of.....	300	300	200
Weavers' Amalgamated Ass'n, Elastic Goring.....	100	100	100
Wire Weavers' Protective Association, American..	300	300	300
Wood Carvers' Association of North America, Int'l.	2,100	1,600	1,600
Woodsmen and Saw Mill Workers, Int'l Bro. of....		1,100	1,200
Wood Workers' Int'l Union of Amer., Amalgamated	28,300	20,000	15,000
	<u>1,675,400</u>	<u>1,494,300</u>	<u>1,444,200</u>

* Disbanded.

† Suspended.

The benefits paid to members by national unions in 1905 and 1906 were as follows:

	1905.	1906.
Death benefits	\$742,421 23	\$984,974 79
Death benefits (members' wives)	24,800 00	37,900 00
Sick benefits	582,874 13	663,436 61
Traveling benefits	62,989 71	59,840 98
Tool insurance	5,180 41	5,771 09
Unemployed benefits	85,050 72	79,582 70
Total	<u>\$1,503,816 20</u>	<u>\$1,841,006 12</u>

There was an increased expenditure on all the benefits except the unemployed and traveling benefits, which were diminished in consequence of the revival in trade. The detailed figures are reprinted in the following table. They do not include the considerable sums expended in the way of benefits by the local lodges or branches of the national unions and not reported to the national officers.

BENEFITS PAID TO MEMBERS BY INTERNATIONAL ORGANIZATIONS AFFILIATED WITH THE A. F. OF L., 1906.*

ORGANIZATIONS.	Death benefits.	Death benefits, members' wives.	Sick benefits.	Traveling benefits.	Unemployed benefits.
Actors	\$500 00		\$600 00		
Bakers and confectioners	700 00	\$150 00	3,576 54		
Barbers	14,020 00		38,726 15		
Bookbinders	3,500 00				
Boot and shoe workers	13,400 00		78,509 55		
Bridge and structural iron workers	10,800 00				
Carpenters, Brotherhood	202,284 57	25,550 00	80,000 00		
Carvers, wood	2,450 00				
Car workers	200 00		405 00		
Chainmakers	200 00			\$890 00	
Cigarmakers	162,818 82		165,917 80	55,293 93	\$35,168 50
Clerks	5,719 00				
Compressed air work'rs	1,000 00		1,150 00	200 00	
Curtain operatives, lace makers	1,400 00	300 00			
Electrical workers	25 00				
Engravers, watch case	8,100 00			80 00	
Flour and cereal mill employees				300 00	250 00
Foundry employees	750 00		2,315 00		
Freight handlers	10,000 00				500 00
Fur workers	100 00			67 00	27 00
Glass bottle blowers	47,885 20				
Glass house employees				100 00	
Glass snappers			200 00	500 00	
Glass workers, amalgamated	845 10				

* Exclusive of tool insurance, as follows: Carvers, wood, \$488.72; freight handlers, \$25, pattern makers, \$5,257.37.

**BENEFITS PAID TO MEMBERS BY INTERNATIONAL ORGANIZATIONS AFFILIATED WITH THE
A. F. OF L., 1906.***

ORGANIZATIONS.	Death benefits.	Death benefits, members' wives.	Sick benefits.	Traveling benefits.	Unem- ployed benefits.
Glass workers, window	\$30,000 00				\$40,000 00
Granite cutters.....	23,480 45				
Grinders, table knife..	200 00				
Hatters.....	26,000 00				
Hotel and restaurant employees.....	19,000 00		\$17,432 00		
Iron, steel and tin workers.....	4,900 00				
Jewelry workers.....	900 00		1,848 00		
Lathers.....	3,700 00				
Leather workers on horse goods.....	2,030 00		12,105 00		
Lithographers.....	15,832 75				
Machinists.....	29,375 00				
Maintenance of way employees.....	10,000 00				
Meat cutters and butcher workmen...	2,950 00				
Metal polishers.....	5,389 75				
Metal workers, sheet..	10,500 00				
Molders, iron.....	62,748 '65		173,134 50		3,625 20
Painters.....	54,447 50	\$11,500 00			
Pattern makers.....			6,136 76		
Paving cutters.....	900 00		500 00		
Photo-engravers.....	1,050 00				
Piano and organ w'k'rs	3,400 00		5,963 31		
Plumbers.....	6,500 00		29,475 00		
Print cutters.....	599 00		376 00		12 00
Printers, machine tex- tile.....	450 00				
Printing pressmen....	11,000 00				
Quarry workers.....	850 00				
Railway employees, street.....	13,100 00		23,000 00		
Sawsmiths.....	300 00				
Slate and tile roofers..	1,900 00				
Slate workers.....	800 00	200 00			
Spinners, cotton mule.	600 00	200 00			
Stage employees, the- atrical.....	17,500 00		13,000 00		
Stereotypers and elec- trotypers.....	1,920 00				
Stove mounters.....	2,000 00				
Switchmen.....	138,375 00				
Tailors.....	12,740 00				
Tobacco workers.....	1,500 00		8,118 00		
Travelers' goods and leather nov. workers			150 00		
Typographical Union..	35,840 00				
Weavers, goring.....	200 00				
Weavers, wire.....	299 00		798 00		
Totals.....	\$994,974 79	\$37,900 00	\$663,436 61	\$57,340 93	\$79,582 70

* Exclusive of tool insurance, as follows: Carvers, wood, \$488.72; freight handlers, \$25; pattern makers, \$5,257 37.

BENEFITS PAID BY CIGAR MAKERS' INTERNATIONAL UNION, 1879-1906.

YEAR.*	Strike benefit.	Sick benefit.	Death and total disability benefit.	Traveling benefit.	Out-of-work benefit.	Membership.††	Cash balance.
1879*	\$3,668 23					2,729	\$5,066 22
1880	4,950 36			\$2,808 15		4,440	11,151 62
1881†	21,797 68	\$3,987 73	\$75 00	12,747 09		14,604	37,740 79
1882†	44,850 41	17,145 28	1,674 25	20,386 64		11,430	77,506 29
1883	27,812 13	22,250 56	2,690 00	37,135 20		13,214	126,783 30
1884	143,547 36	31,551 50	3,920 00	39,632 08		11,371	70,078 30
1885	61,087 28	29,379 89	4,214 00	26,683 54		12,000	85,511 46
1886	54,402 61	42,225 59	4,820 00	31,835 71		24,672	172,813 25
1887	13,871 62	63,900 88	8,850 00	49,281 04		20,560	227,288 24
1888	45,303 62	58,824 19	21,319 75	42,894 75		17,133	239,190 53
1889	5,202 52	59,519 94	19,175 50	43,540 44		17,555	285,136 54
1890‡	18,414 27	64,660 47	26,043 00	37,914 72	\$22,760 50	24,624	383,072 82
1891	33,531 78	87,472 97	38,068 35	53,535 73	21,223 50	24,221	421,950 06
1892	37,477 60	89,906 30	44,701 97	47,732 47	17,460 75	26,678	503,829 20
1893	18,228 15	104,391 83	49,458 33	60,475 11	89,402 75	26,788	456,732 13
1894	44,966 76	106,758 37	62,158 77	42,154 17	174,517 25	27,828	340,788 06
1895	44,039 06	112,567 06	66,725 98	41,657 16	166,377 25	27,760	236,213 05
1896	27,446 46	109,208 62	78,768 09	33,076 22	175,767 25	27,318	177,033 12
1897**	12,175 09	112,774 63	69,186 67	29,067 04	117,471 40	26,347	194,240 30
1898	25,118 59	111,283 60	94,939 83	25,237 43	70,197 70	26,460	227,597 01
1899	12,331 63	107,785 07	98,993 83	24,234 33	38,037 00	28,994	292,407 95
1900	137,823 23	117,455 84	98,291 00	33,238 13	23,897 00	33,955	314,806 24
1901	105,216 71	134,614 11	138,456 38	44,652 73	27,083 76	33,974	321,124 33
1902	85,274 14	137,403 45	128,447 63	45,314 05	21,071 00	37,023	361,811 29
1903	20,858 15	147,054 56	138,975 91	52,521 41	15,558 00	39,301	495,117 91
1904	32,888 88	163,226 18	151,752 93	58,728 71	29,872 50	41,536	589,234 20
1905	9,820 83	165,917 80	162,818 82	55,293 93	35,168 50	40,075	688,679 13
1906	44,735 43	162,905 82	185,514 17	50,650 21	23,911 00	39,250	714,506 14

AUSTRIA.

Since 1901 the national trade union commission has published statistics in its organ *Die Gewerkschaft* of Vienna. The figures of 1906, which recently appeared,†† are restricted to workingmen's associations pursuing strictly trade union objects and, therefore, omit two classes of societies hitherto included — the trade clubs, which are chiefly educational societies, and the general unions or mixed assemblies. The following table shows the growth of the movement since 1892:

END OF—	Total membership of all workmen's societies.	TRADE UNIONS.					Female members.
		National.	Local branches.	District org.	Total.	Membership.	
1892	70,343	10	474	240	724	46,608	2,216
1896	117,946	17	775	284	1,076	98,669	3,448
1899	157,773	30	1,284	242	1,556	119,334	5,556
1901	152,604	32	1,273	266	1,571	119,050	5,378
1902	164,488	47	1,397	241	1,685	135,178	5,888
1903	177,592	51	1,623	192	1,866	154,665	5,919
1904	205,651	45	2,108	121	2,274	189,121	6,456
1905		47	2,964	100	3,111	323,099	13,978
1906		49	4,062	89		448,270	12,190

*Weekly dues, 10 cents.

†Weekly dues, 15 cents:

‡Weekly dues, 20 cents.

¶The fiscal year prior to January 1, 1886, closed on October 31.

§Weekly dues, 25 cents.

**Weekly dues, 30 cents.

††Exclusive of members paying only 15 cents or 20 cents a week since 1897 and 1887, respectively.

‡‡Q noted in *Sociale Rundschau*, July, 1907. • ¶¶Decrease.

The actual growth in 1906 (net increase of 125,171) was only slightly less than that of the preceding year, although the percentage of increase was of course considerably smaller (38.7 per cent as contrasted with 70.8 per cent in 1905).

There are ten national unions that have 10,000 or more members, as follows: Iron and metal workers, 53,023; railway employees, 46,934; textile workers, 44,221; building laborers, 39,562; wood workers, 28,596; mine workers, 27,989; paper, rubber and chemical workers, 20,027; printers and type foundry, 12,512; brewery workers, 10,296; foundry workers, 10,293. The most strongly organized trade is that of the printers who claim to have in their union four-fifths of all printers; other unions embracing a large proportion of the workers are the dock workers, 65 per cent; china and porcelain workers, 40 per cent; railway employees, 38 per cent; paper and chemical workers, 36 per cent; building laborers, 34 per cent; leather workers, 33 per cent.

BELGIUM.

In default of official data, it is necessary to use the statistics of the Socialist Labor Party which are believed to understate the strength of workingmen's unions outside of that organization. According to this information* the growth in membership has been as follows:

AT END OF—	Number of members of all organiza- tions.
1889.....	62,350
1901.....	73,291
1902.....	101,460
1905.....	148,483

The membership at the end of 1905 was composed of 94,151 members of unions affiliated with the Socialist Labor Party, 34,833 neutrals or independents, 17,814 in Catholic unions and 1,685 Liberal unions. The distribution by industries and trades was as follows:

INDUSTRIES.	1889. Dec. 31.	1905. Dec. 31.	Affiliated with the Socialist Labor Party.	Catholics.	Inde- pendents.	Liberals.
Textiles.....	9,070	28,162	11,435	5,332	11,145	250
Clothing.....	1,100	1,680	290	1,154	236	.....
Metals.....	8,196	10,564	7,820	1,124	1,580	40
Mines.....	13,597	60,895	60,000	895	.....	.....
Building.....	481	6,304	1,907	3,239	1,128	30
Food.....	473	948	370	168	390	20

* *Correspondenzblatt der Generalkommission der Gewerkschaften Deutschlands*, 17 Nov. 1906.

INDUSTRIES.	1889. Dec. 31.	1905. Dec. 31.	Affiliated with the Socialist Labor Party.	Catholics.	Inde- pendents.	Liberals.
Furniture and wood work.....	2,326	4,956	2,700	1,541	715	.....
Leather and hides..	1,083	3,406	907	1,049	1,450	.....
Transportation.....	11,607	3,421	608	1,045	1,723	45
Quarries.....	3,293	3,483	3,000	.....	483	.....
Glass.....	6,150	6,200	300	.....	5,900	.....
Chemicals.....	.....	.....	.....	.....	.....	.....
Printing.....	2,763	3,971	431	222	3,318	.....
Tobacco.....	940	1,858	1,800	58	.....	.....
Art goods and scientific instruments..	.....	3,714	.....	94	3,620	.....
Paper.....	.....	640	.....	280	360	.....
Pottery.....	171	.....	.....	.....	.....	.....
Laborers.....	.....	2,006	512	619	875	.....
Miscellaneous.....	728	1,505	260	835	410	.....
Commerce and trade	372	4,159	1,200	159	1,500	1,300
Domestic employ- ment.....	.....	.....	.....	.....	.....	.....
Agricultural workers	.....	.....	.....	.....	.....	.....
Public employment.	.....	611	611	.....	.....	.....
Total.....	<u>62,350</u>	<u>148,483</u>	<u>94,151</u>	<u>17,814</u>	<u>34,833</u>	<u>1,685</u>

GERMANY.

With unimportant exceptions the German trade unions are all connected with some one of the three organizations, the *Freie Gewerkschaften* allied with the Socialist party, the so-called *Hirsch-Duncker Gewerkvereine* which follow the traditions of the English trade union movement, and the Christian organizations under clerical leadership or patronage. The following table gives the latest statistics* and shows the growth in membership in 1906:

	No. of local unions.	NUMBER OF MEMBERS.†			FINANCES. (In marks)		
		1905.	1906.	Change.	Receipts.	Expend- itures.	Cash on hand.
Social Democratic:							
National unions.....	11,037	1,844,808	1,689,709	†344,906	41,602,939	36,963,413	25,312,684
Local organizations.....	.....	27,736	13,145	-14,591	.....	.....	.....
Hirsch-Duncker unions....	2,146	117,097	118,508	+1,411	1,404,074	1,844,277	8,626,062
Christian unions:							
Federation.....	3,048	188,106	247,116	+59,010	3,378,833	2,706,260	2,370,782
Independent.....	724	76,926	73,122	-3,794	266,032	268,473	235,163
Unaffiliated unions.....	.....	65,262	73,544	+8,282	.....	.....	.....
Total.....	.....	<u>1,819,930</u>	<u>2,215,165</u>	<u>395,234</u>	<u>46,651,878</u>	<u>41,285,423</u>	<u>31,544,680</u>

The gain in membership in 1906 was 395,224 as compared with 355,718 in the preceding year, bringing the aggregate number of members for the first time above the two million mark. The losses

*Journal of the German Labor Department (*Reichs-Arbeitsblatt*), July, 1907; *Correspondenzblatt*, etc.; supplement, 17 Aug., 1907.

†Average for the year, except the Hirsch-Duncker unions (end of the year).

in the ranks of the local unaffiliated organizations and the large gains made by the national trade are characteristic of the process of consolidation. While the Christian Federation maintained its progress, the largest advance was made by the Social Democratic unions, the development of whose numerical and financial strength in the last 16 years is shown in more detail in the following table:

GROWTH OF SOCIAL DEMOCRATIC UNIONS (GEWERKSCHAFTEN), 1891-1906.

YEAR.	National unions.	No. of branches.	Membership.	Women included.	RECEIPTS.*		EXPENDITURES.*	
					No. unions.	Aggregate amount.	No. unions.	Aggregate amount.
1891.....	62	2,551	277,659	.....	49	1,116,558	47	1,006,534
1892.....	56	3,956	237,094	4,355	46	2,031,922	50	1,786,271
1893.....	51	4,133	223,530	5,384	44	2,246,366	44	2,036,025
1894.....	54	4,350	246,494	5,251	41	2,685,564	44	2,135,606
1895.....	53	4,819	259,175	6,697	47	3,036,803	48	2,488,015
1896.....	51	5,430	329,230	15,265	49	3,616,444	50	3,323,713
1897.....	56	6,151	412,359	14,644	51	4,083,696	52	3,542,807
1898.....	57	6,756	493,742	13,481	57	5,508,667	57	4,279,726
1899.....	55	7,623	580,473	19,280	55	7,667,154	55	6,450,876
1900.....	58	.....	680,427	23,844	58	9,454,075	58	8,068,021
1901.....	57	.....	677,510	23,699	56	9,722,720	56	8,967,16 ^b
1902.....	60	8,634	733,206	28,218	60	11,097,774	60	10,253,559
1903.....	63	.....	887,698	40,666	63	16,419,991	63	13,724,336
1904.....	63	.....	1,052,108	48,604	63	20,190,630	63	17,738,75
1905.....	64	9,525	1,344,803	74,411	64	27,812,257	64	25,024,224
1906.....	66	11,037	1,689,709	118,908	66	41,602,939	66	36,963,413

The following table shows the number of members in both 1905 and 1906 in the 18 principal unions:

ORGANIZATION.	Affiliation.	NO. OF MEMBERS.	
		1906.	1905.
Metal workers.....	Social Democrat.....	310,673	233,323
Masons.....	Social Democrat.....	183,537	155,911
Wood workers.....	Social Democrat.....	146,443	119,925
Factory operatives.....	Social Democrat.....	115,739	66,689
Miners.....	Social Democrat.....	105,283	124,976
Textile workers.....	Social workers.....	101,055	66,959
Miners.....	Christian.....	73,542	71,500
Building laborers.....	Social Democrat.....	70,648	.....
Transport workers.....	Social Democrat.....	65,428	46,906
Carpenters.....	Social Democrat.....	50,548	42,249
Machinists and metal workers.....	Hirsch-Duncker.....	49,199	49,516
Printers.....	Social Democrat.....	47,162	43,257
Painters.....	Social Democrat.....	36,626	29,470
Building mechanics and laborers.....	Christian.....	36,459	20,679
Railway mechanics.....	Independent.....	35,091	41,436
Textile workers.....	Independent.....	34,581	24,735
Tailors.....	Social Democrat.....	34,514	28,626
Shoemakers.....	Social Democrat.....	33,132	26,366

*In marks; one mark=23.8 cents.

GREAT BRITAIN AND IRELAND.

The latest official statistics* relate to the year 1905, at the close of which the number of trade unions known by the Labor Department of the Board of Trade to be in existence was 1,136, with a total membership of 1,887,823, as compared with 1,148 unions and 1,866,755 members in the preceding year. The increase was equal to 1.3 per cent, but as compared with 1901, when the number of unionists aggregated 1,940,874, there was a decrease of 2.7 per cent. The principal changes in 1905 were an increase of 18,000 in the textile group of unions and a decrease of 20,000 in the building trades unions. The number of women in trade unions increased from 125,102 in 1904 to 135,235 at the end of 1905, a gain of 8 per cent. About nine-tenths of them are employed in the Lancashire cotton industry. The following table gives a summary of the financial statistics of the 100 principal unions embracing about three-fifths of all members of unions in the United Kingdom:

YEAR.	No. of members.	Accumulated funds (£).	EXPENDITURES.					Unemployed benefits (£).
			Total (£).	PER CENT OF TOTAL FOR—				
				Strike benefits.	Unemployed benefits.	Other benefits.	Working and other expenses.	
1896.....	987,717	2,151,072	1,212,135	13.9	21.5	42.0	22.6	260,798
1897.....	1,089,069	2,231,007	1,891,027	34.2	17.5	31.5	16.8	331,108
1898.....	1,067,689	2,656,800	1,476,337	22.1	15.9	41.1	20.9	234,061
1899.....	1,147,809	3,240,187	1,252,011	9.6	14.8	49.5	26.1	184,843
1900.....	1,191,384	3,731,428	1,456,716	10.5	18.0	46.6	24.9	261,360
1901.....	1,199,023	4,134,298	1,641,081	12.8	19.8	43.9	23.5	325,392
1902.....	1,197,137	4,420,883	1,800,234	12.2	23.8	41.6	22.4	429,090
1903.....	1,184,791	4,603,559	1,917,104	9.0	26.9	41.3	22.8	514,899
1904.....	1,177,242	4,682,284	2,055,728	6.2	31.7	41.3	20.8	652,457
1905.....	1,189,795	4,808,106	2,065,731	10.3	25.2	43.7	20.8	521,123

The funds in hand at the end of 1905 aggregated nearly \$24,000,000 or upwards of \$20 per member. The income from dues, etc., amounted to more than \$10,000,000 (£2,211,573), equivalent to a contribution of \$9 per member for 1905 as compared with \$8 in 1896. The expenditures per member in 1905 were \$8.50 as compared with \$6 in 1896. Of the total expenditures only 10 per cent were for strike benefits and 21 per cent for running expenses, 25 per cent having gone to unemployed members and the remaining 44 per cent in the form of funeral, sickness, and other benefits.

* The Board of Trade Labor Gazette, Dec., 1906, p. 352.

These percentages of expenditure varied but slightly from the averages for the ten years 1896-1905, which were as follows: Dispute benefit, 14 per cent; unemployed benefits, 22 per cent; other benefits, 42 per cent; working and other expenses, 22 per cent.

HUNGARY.

The trade union movement in Hungary is virtually a creation of the last decade, but it has made rapid progress. The greatest growth, actual and relative, was made last year when the aggregate membership increased from 71,173 to 153,332, in 25 provincial organizations with 1,625 local branches and 13 unattached locals.* Budapest claimed 57,293 members.

A considerable part of the gain in 1906 was due to the formation of a union of agricultural laborers with 24,000 members. This union is omitted from the following table which pertains only to—

TRADE UNIONS IN MANUFACTURES AND MECHANICAL INDUSTRIES.

END OF—	Number of members.	ANNUAL INCREASE.		Percentage of all wage earners.
		Number.	Per cent.	
1901.....	10,000	.....	.....	2.4
1902.....	15,270	5,270	52.7	3.6
1903.....	41,138	25,868	169.9	9.8
1904.....	53,169	12,031	29.8	12.7
1905.....	71,173	18,004	33.9	17.0
1906.....	129,332	58,159	81.7	30.9

The Hungarian unions had 5,503 female members at the end of 1906, as compared with 3,014 a year earlier.

The largest groups of organized workers are those of the building trades (24,757), farm laborers (24,000), metal workers (21,057), railway employees (16,401) and wood workers (14,637).

ITALY.

While the agricultural laborers of Italy have come together in unions with an aggregate membership of 221,913 at the beginning of 1906,† the mechanics have their own trade unions as elsewhere, whose total membership at the same date was 157,289. Since then the membership has increased and according to official statistics published in the *Bollettino* of the Bureau of Labor (July, 1907), the 22 national unions have 204,271 members in 2,045 local branches thus:

* *Correspondenzblatt der Generalkommission der Gewerkschaften Deutschlands*, May 25, 1907.
† Recent reports give a total of 273,698 early in 1907.

Unions.	No. of local unions.	Number of members.	
		1907.	1904.
Building trades	508	51,806	26,506
Railway employees	700	42,000	54,820
Metal trades	111	26,906	18,818
Seamen	17	15,558	16,967
Typographical trades	124	9,648	9,198
State employees	54	9,586	11,771
Textile workers	69	9,355	7,510
Shoe workers	97	8,788	8,287
Bakers	86	5,566	3,850
Hat makers	85	4,968	4,410
Chemical workers	19	4,628	.....
Hospital employees	52	3,974	1,768
Wood workers	65	3,114	8,185
Glass workers	17	1,900	2,099
Pottery workers	30	1,878	1,120
Leather workers	12	1,526	1,368
Lithographers	9	950	866
Bottle makers	6	848	228
Barbers	11	787	.....
Tailors	11	569	.....
Window glass workers	11	187	.....
Dock workers .....	.....	.....	5,970
Total	*2,045	204,271	†181,230

SCANDINAVIAN COUNTRIES.

Denmark has long been a stronghold of trade unionism and there has consequently been no important change in the numerical strength of unions in recent years:

JANUARY 1—	UNIONS		MEMBERSHIP OF UNIONS			
	AFFILIATED	NOT AFFILIATED	Total.	Affiliated.	Not affiliated.	Total.
		With National Federation.				
1900	1,086	109	1,195	81,269	15,026	96,295
1902	975	218	1,193	72,127	24,352	96,479
1903	989	224	1,213	64,621	23,477	88,098
1904	978	178	1,156	67,503	22,608	90,111
1907†	1,061	188	1,249	78,081	20,971	99,052

The leading union in the Federation is one of general laborers which has 175 locals and 22,660 members; this was followed by the blacksmiths' and machinists' union of 8,000 members; masons, 5,313; railway employees, 4,990; carpenters, 3,855; textile workers, 3,700, and cabinet makers, 3,592.

* So in original; but the sum of the items is 2,044.

† Including certain trades not in this table.

‡ The statistics for 1907 are from the *Berlin Correspondenzblatt*, May 25, 1907; for the preceding years from the Danish government's statistical year book.

Norway.—Extraordinary growth characterized the Norwegian unions in 1906, at the close of which the aggregate membership was in round numbers 25,000, a gain of 10,000 for the year.* Most of the organized wage earners are connected with the National Federation of Labor, through some one of the 12 national unions, but there are 16 local organizations with 659 members. The union of general laborers had the largest membership (10,622), followed by the metal workers (6,183), wood workers (1,700) and printers (1,664). These were the only organizations that had as many as 1,000 members.

Sweden.—From a total membership of 39,132 in 692 local unions in 1900, the Swedish trade union movement grew to 126,272 members of 1,596 local unions in the fourth quarter of 1906. The following statistics show their distribution by trades:

Unions.	Number of branches.	Number of members.
Factory workers	201	80,645
Iron and metal workers	153	20,536
Wood workers	176	10,706
Transport workers	91	9,188
Sawmill workers	84	7,166
Tinsmiths	45	1,595
Painters	45	2,632
Tailors	68	2,688
Shoemakers	49	3,317
Tobacco workers	23	2,107
Bakers	55	2,571
Brewers	35	2,454
Molders	79	2,354
Chem. techn.—mill and leather workers	50	2,167
Masons	58	3,970
Stone workers	99	3,568
Textile workers	51	4,589
Miners	28	3,379
Bookbinders	20	1,218
Street-car employees	8	1,519
Potters	37	1,144
Others	141	3,969
Total	1,596	†126,272

— *Correspondenzblatt*, 9 Feb. '07, p. 88.

The Massachusetts Commission on Industrial Education.

The first report of the permanent commission on industrial education created in Massachusetts last year appeared in March, 1907. The Commission's point of view is stated as follows:

* Berlin *Correspondenzblatt*, Feb. 2, 1907

† So in original; the sum of the items, however, is 123,272.

"The progressive development of all high-grade industries requires skilled workmen, possessing 'industrial intelligence,'—that is, comprehensive insight into and intelligent interest in their several trades,—as well as skill. The present conditions of production are usually unfavorable to the training of such workmen in the shop or factory, and sometimes render such training impossible. All industries, whatever their grade, need more men than are now obtainable, who are capable of acting as foremen, superintendents or managers,—men possessing the comprehensive insight, interest and skill necessary for the organization and direction of a department or a shop. In general, such men, whether workers, foremen or superintendents, are now developed only by chance, and they are then self-made men, possessing the merits but also the shortcomings of their training.

"Meanwhile boys (and girls) are not only not directed toward the trades in our existing schools, but are actually often directed away from them by the bookish education of those schools and their purely academic traditions. The public schools are doing their work to-day better than they have ever done it. This statement is made on evidence, and is not merely an opinion. But, both on account of the youth of the children up to the end of the grammar school period and because of the general education which those schools exist to supply, it is only natural that they should not have concerned themselves with the development of a vocational purpose, nor with the training which points toward the realization of that purpose. Up to the age of fourteen the whole of a pupil's time is required for the general education on which his vocational training should be based.

"The high school pupils have entered on a longer career of general education, and in most cases look forward to a business career or to further study in some higher institution for a profession. The academic high schools, accordingly, even when they comprise so-called commercial courses or courses in manual training, are not vocational schools; they are schools for general education, and, like the elementary schools, are doing their work better than they have ever done it. They do not, however, aim to supply the specific education required for a particular calling.

"In every democratic society the schools provided by the public should meet the needs of all classes,—those who are not going to college, as well as those who are. The existing public high schools serve to give a general education to those pupils whose training must cease on graduation, and at the same time they offer preparation for admission to college or some higher technical school. The manual training high schools—or so-called technical high schools—were intended originally to train recruits for the trades, but they have not done so. They are institutions for general education, like the academic high schools, but, unlike them, serve to give a certain class of pupils a general high school education with the help of manual training, or like them, to prepare their pupils for higher training in some college or engineering school.

"Boys are not wanted in most of the skilled industries until they are sixteen years of age. The total result is a great number of boys and girls from fourteen to sixteen years of age, most of whom are at work in various kinds of juvenile occupations, in which they learn no trade, are subject to little if any beneficial general education, and often to much harmful education from shifting experience and environment. Large numbers of these

children would be in school if the school promised preparation for some life pursuit. These years are of little economic value to such children, and there is little increase in the economic value of most of them as time goes on. Hence, these are at present wasted years,—lost to the children because of a lack of economic growth, and to the industries because the children are not fitted to satisfy the demand for trained workers by the time they are old enough to be employed in the trades.

"These years and the subsequent years are, however, valuable for industrial education; but there is at present no agency whereby this education is provided, save here and there to a limited extent only, and then chiefly by philanthropy.

"Hence the need of industrial schools to supplement the existing school system, and to meet a new educational need which has developed with the evolution of our industries and commerce. Such schools would receive pupils fourteen or fifteen years of age who declare their intention to learn a trade; and would, therefore, be parallel to the existing public high schools, but independent of them.

"Such schools must be established as independent schools, because the motive or end for which they exist, namely, *vocational training* as contrasted with *general training*, determines the value of the instruction in every detail. In order to keep such schools in close touch with the trades and with agriculture there should be local advisory boards, including representatives of the industries concerned, employers and employees.

"The commission believes that such schools should offer four years of training, as described below, for pupils fourteen or fifteen years of age on admission; but it believes also that such schools will be developed gradually. Pupils who could take only a partial course in the proposed schools would be all the better apprentices because of their school training, however brief it might be.

"When the schools are fully established, the commission believes the four years of instruction might be divided as follows:—

"The first two years would cover general shop instruction, at least two hours per day, together with related mathematics, drawing, natural science and English.

"The work of the last two years—which could be gradually completed during a longer period in the evenings, or on the part-time system, meaning part of the time in the factory or shop and part of the time in the school during working hours, whether on the same day, or at intervals of several days, or even weeks, by pupils who were obliged to go to work at sixteen—should give the shop instruction for particular trades, and for each trade represented the drawing, mathematics, mechanics, physical or biological science applicable to that trade; the history of that trade; civics treated as concretely as possible, and shop and business English.

"The commission intends to provide for evening pupils, and it intends to make every effort to secure the co-operation of employers, to the end that part-time courses for apprentices may be established in the proposed schools.

* * * * *

"As to the attitude of the employees in our industries throughout the state, the commission feels that while on the one hand there is a feeling of doubt and even distrust in the minds of many of them with regard to some of the

aspects of this movement, yet, as a result of efforts made by the commission to reach the workingman's point of view through full consultation, the members of the commission are unanimous in the belief that all that is vital and essential to a proper scheme of industrial education for Massachusetts can be and will be brought about not only without opposition on the part of organized labor, but in many cases with the active and interested co-operation of its representatives."

Wages and Salaries in Canada.

The Canadian census bureau has issued a bulletin showing the income (salary or wages) of persons 15 years old or older working at gainful occupations in 1901. The total number thus enumerated was 736,549 males and 186,042 females, the majority of whom reported their income, the average for males having been \$387 and for females \$120. The following table shows separately the earnings of males and females at their regular occupation:

AVERAGE INCOME FROM REGULAR WORK IN EACH GROUP OF OCCUPATIONS, 1901.

GROUP.	Number at regular occupation.		Average earnings.	
	Male.	Female.	Male.	Female.
Agriculture	72,696	92	\$207 55	\$146 28
Domestic and personal	140,978	67,752	272 46	137 05
Fisheries	7,372	.....	205 36	.....
Forestry and lumbering	16,438	.....	305 07	.....
Manufacturing	226,001	49,662	403 14	193 26
Mining	23,898	.....	513 77	.....
Miscellaneous	523	.....	387 65	.....
Professional	29,574	22,110	676 88	259 20
Trade and transportation	144,005	13,829	503 22	238 89
Totals	661,485	153,445	\$387 16	\$121 98

The lowest incomes are found among the farmers and fishermen, the highest in the professions, while the income of those in industrial occupations closely approximates the average for all bread winners.

The foregoing figures take no account of earnings secured by extra work outside of the regular occupation. The report states that 19,399 males and 952 females returned such outside income. The total amount thus earned by men constituted less than 1 per cent of the aggregate earnings of males and averaged \$126 for each of the 19,399. Extra earnings of women constituted only one-fourth of 1 per cent of their aggregate and averaged \$67 for each of the 952.

It was found that the average duration of employment in the census year was 10.53 months for men and 10.79 months for women. This includes the time actually spent at work and pre-

sumably excludes time lost through illness, vacations, etc., as well as lack of employment.

Salaries in Germany.

Some four years ago the organization of clerks, bookkeepers and other salaried employees in Germany undertook an investigation of their economic condition in order to obtain the facts necessary for the creation of disability and pension funds similar to those already provided for the government employees. Schedules of inquiry were distributed among the members of the employees' association and returned to government officials under whose direction they were tabulated, the results appearing in a memorial to the Legislature. A summary in the May "Reichs-Arbeitsblatt" (Imperial Bulletin of Labor) furnishes the following data:

GRADES OF INCOMES.	Total number.		Percentage.	
	Male.	Female.	Male.	Female.
Less than \$238 (1000 marks).....	4,777	1,860	3.18	38.86
From \$238 to \$298 (1000 to 1250 marks)...	17,235	1,410	11.49	29.45
From \$298 to \$357 (1250 to 1500 marks)...	18,568	693	12.37	14.48
From \$357 to \$428 (1500 to 1800 marks)...	23,871	460	15.91	9.61
From \$428 to \$500 (1800 to 2100 marks)...	24,410	202	16.27	4.22
From \$500 to \$571 (2100 to 2400 marks)...	17,155	61	11.48	1.27
From \$571 to \$642 (2400 to 2700 marks)...	15,254	47	10.17	0.98
From \$642 to \$714 (2700 to 3000 marks)...	6,239	1	4.16	0.02
From \$714 to \$857 (3000 to 3600 marks)...	10,016	16	6.67	0.33
\$857 (3600 marks) and over	11,544	5	7.69	0.10
Unknown	987	32	0.66	0.68
Totals	150,056	4,787	100.00	100.00

Concerning the number of employees reporting, it may be noted that one-half of the 4,787 women were employed in the offices of commercial houses, while 62 per cent of the 150,056 males worked for manufacturing concerns and included more foremen, superintendents, technical experts than clerks or bookkeepers; only 14 per cent of the male employees reporting worked in commercial offices. As shown above, 40 per cent of the female employees earned less than 1,000 marks (\$238) per annum, the average income for all having been \$280. The average income of the men was \$491, and 15 per cent of them earned less than \$300. As shown below the average income was somewhat higher in industry (2,156 marks) than in trade (1,947 marks), agriculture (1,910 marks) or the professions (1,790 marks).

It further appears that the highest income is earned at about the age of 45 years and thereafter diminishes.

AVERAGE YEARLY INCOME (IN 1903) OF SALARIED EMPLOYEES (MALES) OF EACH SPECIFIED AGE GROUP IN—

AGE GROUPS.	Agriculture. (Marks.)	Mining and manu- factures. (Marks.)	Trade. (Marks.)	Professions. (Marks.)	All occu- pations. (Marks.)
14-20 years.....	1,035	1,081	1,073	950	1,063
20-25 years.....	1,170	1,520	1,446	1,360	1,466
25-30 years.....	1,529	2,029	1,931	1,877	1,953
30-35 years.....	1,903	2,312	2,369	2,054	2,264
35-40 years.....	2,141	2,392	2,596	2,160	2,379
40-45 years.....	2,225	2,401	2,745	2,141	2,412
45-50 years.....	2,227	2,391	2,748	2,072	2,403
50-55 years.....	2,085	2,357	2,762	1,926	2,357
55-60 years.....	2,167	2,257	2,603	1,966	2,263
60-65 years.....	2,166	2,200	2,417	1,718	2,175
65-70 years.....	2,011	2,034	2,382	1,422	2,007
70 years and over....	1,817	1,938	2,049	1,281	1,879
Unknown.....	1,875	2,150	1,834	1,935	2,024
All ages.....	1,910	2,156	1,947	1,790	2,064

THE EIGHT HOUR MOVEMENT.

Eight Hours for Children.

The recent New York law restricting the employment of children to eight hours a day applies only to manufacturing establishment, but a similar law enacted in Nebraska this year embraces also mercantile employments. Four years ago Illinois and Colorado prescribed the maximum eight-hour day for all children gainfully employed, while eight of the Western states have established a maximum workday of eight hours for all persons working in underground mines or mines and smelters. Such restrictions apply to children where their employment is permitted at all. It may, therefore, be said that twelve commonwealths have in one way or another established an eight-hour day for working children, as indicated below.

COMPULSORY EIGHT-HOUR DAY FOR ALL PERSONS EMPLOYED IN MINES (OR MINES AND SMELTERS).

Arizona, 1903.

Colorado, 1905.

Missouri, 1905.

Montana, 1905. (Employment of children prohibited in underground mines.)

Nevada, 1903.

Oregon, 1907.

Utah, 1898.

Wyoming, 1899.

COMPULSORY EIGHT-HOUR DAY FOR CHILDREN EMPLOYED AT UNDER-MENTIONED WORK.

Colorado (1903). Under 16 years, in factories, stores and other work-places dangerous to health.

Illinois (1903). Under 16 years, in all gainful occupations.

Nebraska (1907). Under 16 years, in manufacturing and mercantile establishments, theaters, hotels, etc.

New York (1907). Under 16 years, in factories.

Wisconsin (1899). Under 18 years, in cigar factories.

Proposed Eight-Hour Law for Miners in England.

The enactment of laws limiting the hours of work of miners in various states of America and Europe encouraged the British advocates of an eight-hour law and in July, 1906, one of the members of the Government, Rt. Hon. Herbert J. Gladstone, secretary for the Home Office, appointed a committee "to inquire into the probable economic effect of a limit of eight hours to the working day of coal miners," consisting of Russell Rea, M. P., Sir Andrew N. Agnew, S. H. Cox, professor of mining in the Royal College of Science, John W. Crombie, M. P., Sir Robert Giffen, the Rt. Hon. Lord Glantawe and R. A. S. Redmayne, professor of mining, Birmingham University. The committee's report, consisting of three volumes of evidence [Parliamentary Papers, 1907, Cd. 3426, 3427 and 3428] and a final report with recommendations [Cd. 3505], has been published. The following summary is derived from the *Board of Trade Labor Gazette*, June, 1907:

The Committee draws attention to a preliminary difficulty as to the manner of calculating the eight-hours' limit, even when qualified by the expression "bank to bank." It was found that the time taken in lowering the whole of the men included in one shift was about half-an-hour, and in raising them about the same or a little longer. If, therefore, the eight hours were reckoned from the time when *all* of the shift were down to the time when they *began* to be raised again to the surface, the average length of the time spent below ground would be eight and one-half hours; if, on the other hand, the time were reckoned from the moment when the first cage went down to the moment when all the shift had been brought to the surface again, the average time spent below ground would be only seven and one-half hours. The Committee, therefore, have interpreted the expression as meaning "eight hours, from the first man down to the first man up."

The Committee found that the average time, bank to bank, of all underground workers on a full day was nine hours and three minutes, or eight hours and thirty-six minutes for hewers, and nine hours and twenty-eight minutes for other underground workmen. The hours vary widely from district to district; thus, in Durham, the average time for hewers was only six

hours and forty-nine minutes; whereas in Monmouthshire the time was nine hours and fifty-four minutes. These times are subject to a further deduction on account of (1) time spent in going to and from the working places, estimated at about one hour for hewers, and thirty minutes for other underground workmen; and (2) time spent in taking meals, calculated at thirty-nine minutes.

The *weekly* hours of labor under present conditions are further reduced by three causes, some of which would not operate to the same extent under an eight-hours' system:—

1. Losses by customary "idle" or "stop" days, and by customary "short" days.

2. Losses due to strikes, accidents, bad trade, shortage of wagons, etc.

3. Losses due to voluntary absenteeism.

The actual average time spent underground, under present conditions, is reduced by these causes to forty-three hours and thirteen minutes in a normal week.

The custom of having "idle" or "short" days, or both, is practically universal. The practice varies in almost every district, and even within the same district; but, broadly speaking, it may be said that the practice in Northumberland and Durham is to have one idle day, one short day, and ten full days per fortnight; in Yorkshire and the Midlands, two short days and ten full days; in South Wales and Monmouthshire, four short and eight full days. The average length of the short day was found to be six hours and thirteen minutes. The proportion of time lost by these "idle" and "short" days is $6\frac{1}{2}$ per cent of the theoretical maximum; but the Committee do not consider that there is any possibility of using the time lost by "idle" days as a reserve which could be drawn upon to mitigate the effect upon production of a compulsory eight-hours' day, and very little possibility of using the "short" days for this purpose.

The time lost by stoppages due to accidents, bad trade, shortage of wagons, etc., amounts to $7\frac{1}{4}$ per cent of the theoretical maximum. The Committee thinks that some of this lost time, especially that due to want of orders, would tend to disappear in the event of an eight-hours' day causing a shortage, and consequent increased demand.

"Voluntary absenteeism" accounts on the average for a loss of 6.6 per cent of the available time. It should be noted that this percentage of absenteeism is calculated not on the total number on the colliery books, some of whom on any one day would be absent owing to illness, accident, etc., but on the attendance *actually attained* on the best days of four selected weeks, viz., one week each in June and December, 1899, and June and December, 1905, respectively.

The Committee found that the proportion of "voluntary absenteeism" was, broadly speaking and with some exceptions, greatest in the districts where the average hours are longest, and least where they are shortest. The Committee also had evidence that, at least in some districts, there was a certain weekly output which the hewer by custom did not exceed; so that, if he reached that limit early in the week, he would "play" for the rest of the week.

The Committee considers that "voluntary absenteeism" would be reduced in many districts under an eight-hours' system, especially in the case of hewers, who are paid by the piece.

The Committee considers, however, in spite of these mitigations, that the compulsory reduction of the working day would effect some temporary reduction in output, especially in South Wales and in Lancashire, where the hours at present are longest. They, therefore, discussed various means by which it was suggested that this reduction might be combated. These suggestions were:—

1. Increased efficiency of the labor employed.
2. Improvements in the mechanical equipment of the collieries (improving winding and hauling machinery, sinking new shafts, etc.).
3. Increased use of coal-cutting machines and conveyors.
4. Extension of the multiple-shift system, which is at present general only in Northumberland and Durham.
5. Introduction of fresh labor from other areas or from other industries.

The Committee thinks that "the probable cumulative effect of these influences must remain a matter of uncertainty and of opinion," but express "the general conclusion that the total effect of all will tend toward the maintenance of an equilibrium between supply and demand."

The Committee dismisses the opinion expressed by some witnesses that the effect of a reduction of output would fall entirely upon the export trade; but express the opinion that any considerable advance in the price of British coal, which did not equally apply to foreign coal, would injure the trade to the nearer ports, carried on in collier steamers which after discharging their cargoes return in ballast to reload.

The Committee considers that some exceptions would have to be made in favor of certain seams or districts and of certain classes of men, such as overmen, men working mechanical coal cutters, etc.

The Committee lays great stress on the effect of a possible reduction in the output of coal upon other industries, which are all dependent upon the supply of coal to an extent unknown in any other country. They consider this aspect of the question a matter "of greater national importance than any immediate effects on the owners or workers in collieries." In view of the great interests involved, they suggest that when a special statutory protection is afforded to the workers in a special trade of so great a national importance, "it may be considered advisable in this country, as it has been considered advisable in all other countries which have enacted such laws, to reserve in the hands of the department of the government controlling mines certain powers of suspension and of exception in the public interest."

Results of an Eight-Hour Day in Government Workshops in France.

As a result of several experiments the eight-hour day was introduced by a number of state establishments in France, in 1901. Upwards of 35,000 workmen were affected by the change. In a paper published by the Ministry of Labor and Social Thrift,* a resumé of the effect of the change is given.

In the post and telegraph workshops a reduction of hours from 10 to 8 brought no immediate decrease in production but later a

* Notes sur la journée de huit heures dans les établissements industriels de l'état. Paris, 1906.

decrease of from 10 to 20 per cent was noted. Simultaneous with the reduction in hours, however, was a change from piece to day work which may account, in part at least, for the decrease. At the same time an increased efficiency and greater economy resulted.

In the marine engineering workshops a reduction in hours accompanied by a change from piece to day work resulted, in general, in a decrease in output of from 10 to 15 per cent. At Rochefort and Toulon, the increase in the duration of a given task was estimated at 1.4 per cent, an increase in the cost of construction at 7.5 per cent, and an increase in the intensity of work at 14 per cent. At the Indret works, on the other hand, the working of the new schedule has been eminently satisfactory. The trade unions contend that the decrease is due to the curtailment of orders and point to the improvement in the well-being of the workmen.

In the naval artillery shops while there has been a decrease in production, it is argued that the use of improved tools would bring the output up to the former amount.

After an experiment at the Tarbes workshops by the ministry of war in reducing the workday from 10 to 8 hours, it was decided that a two-hour reduction would inflict serious loss on the state, and could only come gradually and concurrently with improvements in tools and in processes of manufacture. A nine-hour day was, therefore, introduced in 1905.

TABULAR STATEMENT OF LABOR BUREAUS WHICH
 [From "Reichs-Arbeitsblatt,"

COUNTRY OR STATE.	Title of bureau.	Date of foundation.*	Position in administrative system.
United States.....	Bureau of Labor.....	1884..... (1888, 1903)	In Department of Commerce and Labor.
Massachusetts.....	Bureau of Statistics of Labor.	1869.....	Unattached.....
New York.....	Department of Labor..	1883..... (1901)	Unattached.....
Argentine Republic..	Departamento Nacional del Trabajo.	1907.....	.....
Canada.....	Department of Labor..	1900.....	Under the Minister of Labor
Great Britain.....	Labor Department.....	1886..... (1893)	In the Board of Trade....
New Zealand.....	Department of Labor..	1891..... (1903)	Under the Minister of Labor
Austria.....	Arbeitsstatistisches Amt	1898.....	In the Department of Com- merce.
Belgium.....	Office du Travail.....	1894..... (1895, 1897)	In Department of Industry and Labor.
France.....	Direction du Travail...	1891..... (1900, 1906)	Department of Labor and Social Economy.
Germany.....	Abteilung für Arbeiter- statistik.	1891..... (1902)	Division of the Statistical Bureau.
Italy.....	Ufficio del Lavoro.....	1903.....	In Department of Agricul- ture, Industry and Com- merce.
Netherlands.....	Centraal Bureau voor de Statistiek.	1899.....	In the Department of the Interior.
Norway.....	Statistiske Central- bureau.	1903.....	Includes a section devoted to social statistics.
Sweden.....	Afdelning för Arbets- statistik.	1903.....	In the Commerce Commis- sion.
Spain.....	Instituto de Reformas Sociales.	1900..... (1903)	In the Department of the Interior.

*Dates within parenthesis marks designate year when re-organized.

†NOTE.—In addition to the countries herein mentioned, Uruguay has recently established a Bureau of Labor, Hungary a Musée Social (in the Department of Commerce) and Finland a Bureau of Industry, which issues a journal entitled "Arbetsstatistik Tidskrift utgifven af Industrierelien i Finland." Belgium has, moreover, established a separate Office des Classes Moyennes, which is charged with investigations looking to the protection of the independent merchants and producers.

PUBLISH PERIODICAL JOURNALS OR BULLETINS.†

April, 1907 revised.]

Scope of activities.	PUBLICATIONS.	
	Bulletins or journals.	Reports.
Statistics of labor; conciliation in disputes affecting interstate commerce.	Bi-monthly "Bulletin".	Annual (20) and special (12) reports.
Statistics of labor; state census; municipal statistics; public employment bureau.	Monthly "Bulletin"....	Annual reports.
Three bureaus: Labor Statistics, Factory Inspection, Mediation and Arbitration.	Quarterly "Bulletin"...	Annual reports.
Statistics of labor; preparation of labor legislation.	Quarterly "Boletin"...	.....
Statistics of labor and industries; conciliation and arbitration; enforcement of "Fair Wages Resolution."	Monthly "Labor Gazette".	Annual report on operations of the Department.
Statistics of labor; conciliation	Monthly "Labor Gazette".	Annual reports on trade unions, strikes and lockouts, changes in wages and hours, abstract of labor statistics, etc. Special reports.
Statistics of labor; enforcement of labor laws, etc.	Monthly "Journal"....	Annual report on factories inspected, wages, etc.
Statistics of labor; advisory council; supervision of provident institutions.	Monthly "Soziale Rundschau".	Annual reports on strikes and lockouts, overtime, operations of bureau, etc. Special reports and investigations.
Comprises 5 Sections: Statistics, Legislation, Enforcement of Labor Laws, Factory Inspection, Provident Institutions.	Bi-weekly "Revue du Travail".	Annual reports on labor legislation (in all countries), factory inspection, etc. Census. Special reports and inquiries.
Labor and general statistics; enforcement of labor laws, supervision of provident societies, trade organizations, etc.	Monthly "Bulletin de l'office du Travail".	Year book, and annual reports on strikes and trade organizations. Special reports and inquiries.
Statistics and investigations of the Commission of Labor.	Bi-monthly "Bulletin-Inspection".	
Two Sections: Labor Statistics, observation of social legislation and study of reforms.	Monthly "Reichs-Arbeitsblatt".	Annual reports on strikes. Special reports and investigations.
General statistics.....	Monthly "Bolletino"...	Special reports.
General statistics.....	"Maandschrift".....	Annual reports on strikes; special reports.
General statistics.....	Bi-monthly "Arbeids-Markedet".	Occasional reports on wages, etc.
Statistics of labor.....	Quarterly "Meddelanden".	Special reports.
Preparation and enforcement of labor laws; conduct of employment agency, etc.	Monthly "Boletin"....	Special reports.

RECENT LABOR REPORTS.

UNITED STATES.

Statistics of women at work; based on unpublished information derived from the schedules of the twelfth census, 1900. Special reports of the Census Office, S. N. D. North, director, Washington, 1907, 399 pages.

Bulletin of the Bureau of Labor, No. 70, May, 1907, 316 pages (paper cover).

Contents: The Italian on the land: A study in immigration (by Emily Fogg Meade, 61 pages); a short history of labor legislation in Great Britain (by A. Maurice Low, 45 pages); the British workmen's compensation acts (by Launcelot Packer, B. L. (74 pages); digest of recent reports of state bureaus of labor statistics (New York, Ohio, Pennsylvania, 12 pages); digest of foreign statistical publications (44 pages); decisions of courts affecting labor (51 pages); laws relating to labor enacted in 1906 (in Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania and Virginia, 23 pages); cumulative index of labor laws and decisions (6 pages).

ILLINOIS.

Thirteenth biennial report of the Bureau of Labor Statistics of the State of Illinois, 1904. David Ross, secretary, Springfield, 1907, 665 pages.

Part I contains statistics of manufactures in 1904, collected by the Federal Bureau of the Census, with special tabulations of weekly wages (classified); Part II (pages 139-166) is an investigation of earnings, working time, ownership of homes, maturity, age, etc., of employees of coal mines.

MASSACHUSETTS.

Report of the commission on industrial education, March, 1907, 71 pages (paper bound).

The first report of the permanent commission created upon the recommendation of the investigating commission of 1905. Extracts from the report are printed elsewhere in the BULLETIN.

Labor bulletin of the commonwealth of Massachusetts, published by the Bureau of Statistics of Labor, Nos. 50 and 51 (June, July, August).

Contents of No. 50: Manufactures in Massachusetts and other states, 1900-1905 (4 pages); changes in rates of wages and hours of labor in 1906 (5 pages); free employment offices in the United States (13 pages); estimated population of Massachusetts cities (1 page); trade unions in foreign countries, 1905 (1 page); quarterly record of strikes and lockouts (1 page); trade union notes (2 pages); industrial agreements (3 pages); recent court decisions relating to labor (4 pages); excerpts and statistical abstracts (8 pages); industrial information (4 pages).

Contents of No. 51: Birthplaces of inhabitants of Massachusetts and Boston (11 pages); Massachusetts forestry (2 pages); the deaf in Massachusetts according to the state census of 1905 (13 pages); wage agreements in Fall River cotton mills (7 pages); titles of Massachusetts labor laws of 1907 (2 pages); free employment offices in foreign countries (5 pages); municipal pawnshops in France and Germany (5 pages); employees' mutual benefit associations in Massachusetts (3 pages); industrial chronology, agreements, notes, decisions, excerpts, abstracts, etc. (21 pages).

MINNESOTA.

Tenth biennial report of the Bureau of Labor of the State of Minnesota, 1905-1906. W. H. Williams, commissioner, St. Paul, 1906, 534 pages.

Contents: Factory inspection (including statistics of employees, night work and Sunday work), pages 1-266; child labor, pages 267-342; railroad switchyards, pages 343-362; labor organizations—membership (29,978) wages, hours of work, dues, benefits—pages 363-406; licensed employment bureaus, pages 407-412; free public employment bureaus, pages 413-427; instructions for first aid to injured factory operators, pages 428-430; mining operations and mine inspection, pages 431-476; (United States) census of manufactures, 1905, pages 477-511; labor laws (revised), pages 512-529; blank forms used by the Bureau, pages 530-534.

NEW YORK.

A summary of the compulsory attendance and child labor laws of the states and territories of the United States, compiled by James D. Sullivan, chief of attendance division of the New York State Education Department. New York State Library Bulletin 114, July, 1907, 112 pages (paper cover).

Second report of the tenement-house department of the city of New York, July 1, 1903, to December 31, 1905. Edmond J. Butler, commissioner, 1907, 167 pages, maps and illustrations.

NORTH CAROLINA.

Twentieth annual report of the Bureau of Labor and Printing of the State of North Carolina, 1906. H. B. Varner, commissioner, Raleigh, 1906, 350 pages.

Contents: Chapter I, condition of farmers, pages 9-106; II, condition of the trades, pages 107-135; III, miscellaneous factories, pages 136-207; IV, cotton, woolen and knitting mills, pages 208-266; V, furniture factories, pages 267-284; VI, the state's newspapers, pages 285-331; VII, railway employees, pages 333-341.

OHIO.

Twenty-third annual report of the department of inspection of workshops, factories and public buildings to the governor of the state of Ohio for the year 1906. J. H. Morgan, chief inspector, Columbus, O., 1907, 284 pages.

FOREIGN COUNTRIES.

ARGENTINE REPUBLIC.

Boletín del Departamento Nacional del Trabajo. Republica Argentina, Buenos Aires, 1907, 152 pages (paper bound).

First quarterly Bulletin issued by the recently organized Labor Department of the Argentine Republic. Contents: Historical sketch of the organization of the department; an account of the railroadmen's strike of the Gran Oeste Argentino; proposed laws for the regulation of women and children's work; statistics of strikes in the city of Buenos Ayres; directory of workmens' and manufacturers' associations in the city of Buenos Ayres. etc.

AUSTRALIA.

Report on the working of the factories and shops' act, early closing acts, shearers' accommodation act, etc., during the year 1906. Department of Labor and Industry, New South Wales, Sydney, 1907. Pages iv+50 (paper covers).

Report of the inspector of factories, work-rooms and shops for the year ended 31st December, 1906. H. Ord, chief inspector, Melbourne, Victoria, 1907, 101 pages (unbound).

More than three-fourths of the contents relate to the Special Wages' Boards, which establish rates of wages to be paid in particular industries. In the year 1906 the Legislature authorized the creation of eleven new boards, making 49 now in existence, affecting about 50,000 wage earners. The inspector gives particulars of proceedings before each of the boards, schedules of wage rates established, statistics of wages, etc. The original purpose of the law was to abolish "sweating," but its scope has been extended to include trades that are underpaid or that complain of "unfair competition" on the part of some of the employers.

AUSTRIA.

Arbeitszeitverlängerungen (überstunden) im jahre 1906, in fabrikmässigen betrieben. Wien, 1907, 36 pages (paper covers).

In 1906 the authorities permitted 793 factories to operate overtime (more than eleven hours a day), affecting 60,907 of their 168,979 employees. The total number of extra hours (3,854,229) was considerably less than in 1905 and approximately the same as in 1904.

Die arbeitszeit in den fabriksbetrieben Oesterreichs, dargestellt vom K. K. arbeitsstatistischen amte im handelsministerium. Wien, 1907. Pages xcvi+459 and two colored plates (paper covers).

This comprehensive report on hours of work in Austrian factories gives separate statistics for establishments in continuous operation, which quite generally have two shifts of twelve hours each. The factories not in continuous operation usually run ten or eleven hours a day, the percentage of employees who work nine hours or less being only 8.8, those who work ten hours 45.9 per cent, and those who work over ten hours but not more than eleven hours, 43.8 per cent.

BELGIUM.

Annuaire de la législation du travail; publié par l'Office du Travail de Belgique. 10e Année, 1906. Bruxelles, 1907. Pages xx+690 (paper covers).

The yearbook of labor legislation, published by the Belgium bureau of labor, is now in its tenth year. It contains a French translation of the important labor laws of 1906 of all commercial countries.

CANADA.

Report of the Department of Labor for the year ended June 30, 1906. W. L. Mackenzie King, deputy minister of labor, Ottawa, 1906, 127 pages (paper covers).

Contents: I, the "Labor Gazette;" II, conciliation and arbitration; III, the carrying out of the fair wages resolution of the House of Commons of March, 1900; IV, the administration of the railway labor disputes act; V, the protection of labor to be employed in the construction of the Grand Trunk Pacific railway; VI, false representation to induce or deter immigration — action of department of labor in reference thereto; VII, administration of the alien labor laws; VIII, strikes and lockouts in Canada during the fiscal year 1905-1906, with comparative statistics for the calendar years 1901 to 1905, inclusive; IX, industrial accidents in Canada during the fiscal year 1905-1906, with comparative statistics for the calendar years 1904 and 1905; X, the library

of the department; XI, the circulation of the "Labor Gazette;" XII, the distribution of the "Labor Gazette" and other publications of the department; XIII, inquiries, correspondence and other work of the department; XIV, revenue and expenditure.

Report of the Royal Commission on a dispute respecting hours of employment between the Bell Telephone Company of Canada, Ltd., and operators at Toronto, Ont. Issued by the Department of Labor, 1907. Pages x+102 (paper covers).

Reports of the special committee of the House of Commons to whom was referred bill No. 2, an act respecting industrial and co-operative societies, also with minutes of proceedings and evidence, addendum to evidence and exhibit No. 1. Ottawa, 1907. Pages xii+204 (paper covers).

Annual report of the bureau of industries of Ontario, 1905. Published by the Ontario Department of Agriculture, Toronto, 1906. Pages 48, iv, 192. Contents: Part I, agricultural statistics (46 pages); Part II, chattel mortgages (1 page); Part III, municipal statistics (196 pages).

GERMANY.

Streiks und Aussperrungen im Jahre, 1906. Bearbeitet im Kaiserlichen Statistischen Amt, Berlin, 1907. Pages 100, 207 (paper bound).

The eighth annual report on strikes and lockouts in Germany shows that in 1906 there was another increase in the number of labor disputes, which characterized the period 1901-1905, although the number of workmen involved and the working time lost on account of such disputes fell below the figures for 1905. The report contains useful summaries of the statistics for the years 1899-1906, and also charts illustrating the recent statistics of foreign countries.

Die lohnverhältnisse der städtischen arbeiterschaft in Dresden in den jahren 1904 und 1905. Mitteilungen des statistischen amtes der stadt Dresden, 16 Heft. Dresden, 1907, 92 pages and folder (paper bound).

This publication of the Dresden statistical bureau gives the wages of municipal employees and laborers and contains in an appendix a report on the prices of food and the cost of living, with changes in consumption accompanying the advance.

GREAT BRITAIN.

Annual report of the chief inspector of factories and workshops for the year 1906. Arthur Whitelegge, chief inspector, London, 1907 [ed. 3586]. Pages xvii+379, quarto paper.

ITALY.

Le condizioni generali della classe operaia in Milano (Salari, giornate di lavoro, reddito, ecc): Risultati di un'inchiesta compiuta il 1 Luglio 1903 — corredata di tabelle statistiche e diagrammi. Pubblicazioni dell' ufficio del lavoro della societa umanitaria, Milano, 1907, 260 pages.

"This volume contains the results of an investigation, instituted in the summer of 1903, into the general conditions of the working classes of Milan. The inquiry was undertaken by the labor department of the Humanitarian Society at the instigation of the trades council who desired to obtain statistical details of wages, hours of labor, piece work, etc., for the use of the various labor organizations represented on the council, while the Humanitarian Society sought at the same time to procure precise information as to

the extent of the dearth of employment as a guide in the adoption of measures for the relief of the unemployed. As the municipal council of Milan had also decided to make an inquiry into the housing and sanitary accommodation, arrangements were made for the simultaneous delivery and collection of the schedules of questions relating to both inquiries. The persons to whom the schedules were distributed were asked to make their answers relate to 1st July, 1903. At the end of June meetings were held in the working-class districts to explain the objects of the investigations, and circulars were issued intimating that authorized persons would attend on certain evenings at the local schools to complete the schedules for those who were unable to understand them. The schedule issued by the labor department contained sixteen questions, in which the worker was asked, *inter alia*, to state his name and the date and place of his birth; how long he had lived in Milan; his trade; whether he worked at home, and if so, on his own account or not; on how many days he worked in the year and his daily wages; whether he was out of employment; how long he had been unemployed, and to what agency he applied for work," etc. (*Journal of the Royal Statistical Society*, June, 1907.)

NETHERLANDS.

Overzicht betreffende de loonen en den Arbeidsduur bij Rijkswerken (survey of wages and hours of labor on public works) in 1905. Uitgegeven door het Centraal Bureau voor de Statistiek (Bijdragen LXXIX), 's-Gravenhage, 1906, pages xxiv, 94.

Ongevallen statistiek betreffende het tijdvak, 1 Feb.-31 Dec., 1903. (Statistics of industrial accidents compiled in accordance with the workmen's insurance law of 1901.) Pages lx+421 quarto, paper.

SPAIN.

Resumen de los trabajos del Instituto desde su constitucion definitiva. Instituto de Reformas Sociales, Madrid, 1907, 64 pages (paper bound).

Review of the work accomplished by the "Instituto de Reformas Sociales" since its definitive organization.

Congresos sociales en 1906. Instituto de Reformas Sociales, Madrid, 1907, 164 pages (paper bound).

Account of international and national conventions of workingmen and bodies concerned with the study of social problems, in Europe and the United States, in the year 1906.

APPENDIX.

STATISTICAL TABLES.

I. Result of the biennial school census, October, 1906.

FOR THE SECOND QUARTER, 1907 (APRIL-JUNE):

II. Record of work of the deputy factory inspectors.

III. Children's employment certificates issued in first and second class cities.

IV. Licenses issued for tenement manufactures.

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(a). Age and sex of persons injured.

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VI. Building operations in New York City.

VII. Building operations in Buffalo, Rochester, Syracuse and Troy.

VIII. Number and percentage of unemployed members of representative trade unions.

IX. Causes of unemployment.

X. Idleness in New York City at the end of June.

TABLE I.—RESULTS OF THE THIRD BI

From the Third Annual Report of

	CITY OR VIL- LAGE.*	CHILDREN OVER 8 AND UNDER 14 YEARS OF AGE.						CHILDREN	
		Total.	Attend- ing school.	OUT OF SCHOOL.			Total.	TOTAL	
				Legally absent.	Illegally absent.	Truant.		Males.	Females.
1	Albany.....	8,377	8,298	34	42	3	79	1,151	1,185
2	Amsterdam.....	2,363	2,345	6	10	2	18	181	175
3	Auburn.....	2,929	2,892	16	20	1	37	359	350
4	Batavia (vil.).....	984	961	10	13	.....	23	148	182
5	Binghamton.....	3,937	3,918	16	3	.....	19	525	546
6	Buffalo.....	50,964	50,040	18	828	78	924	5,582	5,295
7	Cohoes.....	2,531	2,502	14	10	5	29	288	361
8	Corning.....	1,221	1,207	6	8	.....	14	148	154
9	Cortland.....	900	891	5	3	1	9	132	160
10	Dunkirk.....	1,880	1,851	5	21	3	29	264	257
11	Elmira.....	3,067	3,055	1	7	4	12	466	464
12	Fulton.....	965	955	9	1	.....	10	144	153
13	Geneva.....	1,039	1,035	3	.....	1	4	139	174
14	Glens Falls (vil.)...	987	982	4	.....	1	5	152	182
15	Gloversville.....	1,593	1,580	3	10	.....	13	239	242
16	Hornell.....	1,262	1,253	7	2	.....	9	176	188
17	Hudson.....	864	854	5	1	4	10	93	118
18	Ithaca.....	1,139	1,131	2	6	.....	8	183	179
19	Johnstown.....	2,798	2,781	16	1	.....	17	377	400
20	Johnstown.....	954	948	6	.....	.....	6	140	118
21	Kingston.....	2,842	2,817	6	19	.....	25	466	526
22	Little Falls.....	843	838	5	.....	.....	5	119	139
23	Lockport.....	1,713	1,697	9	7	.....	16	236	247
24	Middletown.....	1,380	1,369	6	5	.....	11	215	208
25	Mt. Vernon.....	2,790	2,763	16	8	3	27	345	356
26	New Rochelle.....	2,470	2,431	16	23	.....	39	231	275
27	New York.....	459,050	443,287	10,779	4,805	179	15,763	54,852	58,772
28	Newburgh.....	2,768	2,736	25	6	1	32	419	454
29	Niagara Falls.....	2,815	2,767	6	42	.....	48	392	386
30	North Tonawanda.....	1,172	1,171	1	.....	.....	1	116	142
31	Ogdensburg.....	1,583	1,568	5	9	1	15	211	214
32	Olean.....	1,404	1,396	6	2	.....	8	193	199
33	Oswego.....	2,469	2,440	29	.....	.....	29	411	405
34	Peekskill (vil.).....	1,179	1,174	.....	3	2	5	182	159
35	Plattsburg.....	1,032	1,005	2	20	5	27	254	242
36	Port Chester (vil.)...	1,304	1,280	13	11	.....	24	163	190
37	Poughkeepsie.....	2,300	2,261	25	9	5	39	279	271
38	Rensselaer.....	1,007	1,004	1	1	.....	3	107	106
39	Rochester.....	18,086	17,933	54	79	20	153	2,554	2,741
40	Rome.....	1,383	1,379	2	2	.....	4	203	217
41	Saratoga Spg's (vil.)...	1,236	1,214	6	16	.....	22	169	162
42	Schenectady.....	5,799	5,615	91	90	3	184	634	576
43	Syracuse.....	10,450	10,356	41	50	3	94	1,378	1,443
44	Tonawanda.....	1,029	1,023	3	2	1	6	175	158
45	Troy.....	7,283	7,228	6	47	2	55	981	873
46	Utica.....	6,096	5,994	28	67	7	102	1,114	831
47	Watertown.....	2,561	2,552	2	6	1	9	375	325
48	Watervliet.....	1,439	1,421	4	9	5	18	192	211
49	White Plains (vil.)...	1,094	1,089	3	1	1	5	167	144
50	Yonkers.....	7,156	7,096	41	15	4	60	697	693
Total.....		644,487	626,383	11,417	6,340	347	18,104	78,717	82,548

* Including the 45 cities (Oneida excepted) of the

ENNIAL SCHOOL CENSUS, OCTOBER, 1906.

the State Education Department.

OVER 14 AND UNDER 16 YEARS OF AGE.								CHILDREN OVER 8 AND UNDER 16.		
NUMBER.	OUT OF SCHOOL.							Total.	Out of school illegally.	Per centage.
Total.	Attending school.	Legally absent.	Illegally absent.	Truant.	TOTAL.					
					Males.	Females.	Total.			
2,336	1,727	514	88	7	307	302	609	10,713	140	1.31
356	336	6	12	2	11	9	20	2,719	26	.96
709	642	38	28	1	27	40	67	3,638	50	1.37
330	270	44	15	1	27	33	60	1,314	29	2.21
1,071	889	179	3	.....	89	98	182	5,008	6	.12
10,877	6,747	2,256	1,824	50	2,287	1,843	4,130	61,841	2,780	4.50
649	337	269	43	.....	139	173	312	3,180	58	1.82
302	255	32	15	.....	28	19	47	1,523	23	1.51
292	273	14	4	1	11	8	19	1,192	9	.76
521	285	51	180	5	125	111	236	2,401	209	8.70
930	834	24	45	27	43	53	96	3,997	83	2.08
297	219	78	.....	.....	41	37	78	1,262	1	.08
313	283	25	5	.....	18	12	30	1,352	6	.44
334	311	23	.....	.....	12	11	23	1,321	1	.08
481	336	124	21	.....	78	72	145	2,074	31	1.49
364	298	29	37	.....	38	28	66	1,626	39	2.40
211	153	39	19	.....	30	28	58	1,075	24	2.23
362	338	12	12	.....	13	11	24	1,501	18	1.20
777	509	264	4	.....	139	129	268	3,575	5	.14
258	203	55	.....	.....	31	24	55	1,212	.....	.00
992	669	296	26	1	154	169	323	3,834	46	1.20
258	192	65	1	.....	27	89	66	1,101	1	.09
483	392	83	8	.....	48	43	91	2,196	15	.68
423	328	88	7	.....	57	38	95	1,803	12	.67
701	624	58	19	.....	40	37	77	3,491	30	.86
506	407	61	37	1	53	46	99	2,976	61	2.05
113,624	71,247	39,035	3,272	70	20,535	21,842	42,377	572,674	8,326	1.45
873	537	330	5	1	162	174	336	3,641	13	.36
778	546	129	100	3	134	98	232	3,593	145	4.04
258	250	8	.....	.....	4	4	8	1,430	.....	.00
425	298	87	38	2	61	66	127	2,008	50	2.49
392	298	91	2	1	62	32	94	1,796	5	.28
816	476	338	2	.....	199	141	340	3,285	2	.06
341	259	75	7	.....	56	26	82	1,520	12	.79
496	234	237	25	.....	138	124	262	1,528	50	3.27
353	229	121	3	.....	58	66	124	1,657	14	.84
560	387	128	10	25	95	68	163	2,850	49	1.72
213	193	20	.....	.....	14	6	20	1,220	2	.16
5,295	2,946	2,083	260	6	1,112	1,237	2,349	23,381	365	1.56
420	295	109	16	.....	66	59	125	1,803	18	1.00
331	299	17	14	1	13	19	32	1,567	31	1.98
1,210	951	183	72	4	157	102	259	7,009	169	2.41
2,821	2,176	424	210	11	829	316	645	13,271	274	2.06
333	219	109	4	1	78	36	114	1,362	8	.59
1,854	1,298	432	124	.....	305	251	556	9,137	173	1.89
1,945	1,257	534	145	9	365	323	688	8,041	228	2.84
700	606	86	7	1	52	42	94	3,261	15	.46
403	299	76	25	3	49	55	104	1,842	42	2.28
311	271	22	14	4	28	12	40	1,405	20	1.42
1,390	1,239	122	29	.....	74	77	151	8,546	48	.56
161,265	104,667	49,523	6,837	238	28,014	28,584	56,598	805,752	13,762	1.71

State and the six villages of 10,000 or more inhabitants.

BUREAU OF FACTORY INSPECTION.

Table II.—Record of Deputy Factory Inspectors.

	SECOND QUARTER, 1907.				SECOND QUARTER, 1906.
	April.	May.	June.	Total.	
Regular inspections:					
Factories in separate buildings.....	1,122	1,457	1,207	3,786	11,054
Tenant factories.....	2,777	1,995	1,528	6,300	
Laundries.....	210	159	195	564	
Bakeries.....	312	356	278	946	
Mines or quarries.....	10	25	38	73	992
Tenant factory buildings.....	25	20	11	56	40
Tenement buildings (licensed).....	626	373	437	1,436	§
Total.....	5,082	4,385	3,604	13,161	
Special inspections (factories, laundries, bakeries).....	96	125	109	330	
Investigations:					
Accidents.....					34
Applications for license.....	251	348	320	919	726
Complaints.....	60	70	56	186	122
Compliances (No. of establishments).....	3,347	3,450	2,895	9,692	4,054
On special orders.....	133	95	32	260	*
Total.....	3,791	3,963	3,303	11,057	
Observations—Tenement buildings (unlicensed).....	548	727	577	1,852	§
Tagging, to stop work:					
Goods in tenements (§ 100).....	18	24	13	55	41
Goods in tenant factories (§ 95).....	41	35	38	114	
Articles in bakeries (§ 114).....	4	2	1	7	
Unsafe machinery (§ 81).....					
Scaffolding (§ 19).....					*
Total.....	63	61	52	176	*
Prosecutions begun.....	12	16	2	30	*
Days or parts of days on court work.....	105	77	25	207	*
Days consumed by illness or travel.....	53½	101½	117	272	*
Days absent by leave or vacation.....	19½	45	49½	114½	*

Table III.—Number of Children's Employment Certificates Issued by Boards of Health in First and Second Class Cities.

CITY.	SECOND QUARTER, 1907.				SECOND QUARTER, 1906.
	Apr.	May.	June.	Total.	
New York City:					
Bronx Borough.....	157	114	203	474	434
Brooklyn Borough.....	128	49	77	254	379
Manhattan Borough.....	1,102	859	1,501	3,462	3,162
Queens Borough.....	48	40	63	151	142
Richmond Borough.....	22	5	15	42	42
Total—New York City.....	1,457	1,067	1,859	†4,383	†4,159
Buffalo.....	132	87	226	445	304
Rochester.....	64	65	160	289	372
Syracuse.....	49	53	109	211	244
Albany.....	16	9	27	52	96
Troy.....	16	4	93	113	71
Utica.....	34	32	42	108	130
Yonkers.....	10	5	8	23	11
Schenectady.....	22	19	57	98	56

* No record kept.

† Includes "mercantile" as well as "manufacturing" certificates.

‡ Licensed and unlicensed apartments inspected—149.

BUREAU OF FACTORY INSPECTION.

Table IV.—Licenses for Tenement Manufactures.

	SECOND QUARTER, 1907.			Total Oct. 1, 1904 to June 30, 1907.
	New York City.	Remain- der of State.	Total.	
Applications pending March 31, 1907.....	60	.....	60	.....
Applications received.....	792	6	798	9,647
Total.....	852	6	858	9,647
(1) Applications for dwellings with- out clear record from local health or tenement-house au- thorities and therefore.....	refused	.....	.....	1,775
(2) Applications for dwellings with clear record from health and tenement-house authorities, in- vestigated by factory inspector and	granted 585 refused 83 standing* 35	4	589 83 35	4,859 1,551 253
(3) Applications for shop buildings investigated by factory inspec- tor and	granted 15 refused 4 standing*	2	17 4	665 177 3
Applications refused† in class 1 with subsequent report of compliance with orders of health or tenement- house authorities, investigated by factory inspector and	granted 32 refused 11	..... .....	32 11	884 394
Applications refused† in classes 2 or 3, subsequently re-investigated and	granted 116 refused 31	..... .....	116 31	1,399 860
Total applications granted.....	748	6	754	7,807
Total applications refused (net‡).....	61—	.....	61—	1,220
Total applications standing*.....	35	.....	35	256
Applications cancelled by applicants.....	5	.....	5	212
Applications duplicated.....	.....	.....	.....	27
Applications pending June 30, 1907.....	125	.....	125	125
Licenses cancelled at request of applicants.....	85	.....	85	208
Licenses revoked for unlawful conditions.....	.....	.....	.....	5
Net increase in outstanding licenses.....	663	6	669	.....
Licenses outstanding March 31, 1907.....	6,464	461	6,925	.....
Licenses outstanding June 30, 1907.....	7,127	467	7,594	7,594

*These are cases in which investigation showed no work being done or likely to be done on the premises and in which no further application for the license was received after investi-
gation.

†In present or previous quarters.

‡The number of buildings held to be below the requirements for licensing was 1,231 at the beginning of the quarter. As the result of re-applications and re-inspections during the quarter, the number of rejected applications was reduced to 1,220.

TABLE V.—ACCIDENTS IN FACTORIES AND QUARRIES, APRIL-JUNE, 1907.

(a) Age and Sex of Persons Injured.

CAUSE. [n. e. s.—Not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +	Age not stated.	TOTAL.	Male.	Fe- male.
MECHANICAL POWER.							
Transmission of power:							
Motors (engines, dynamos, flywheels, etc.).....			36		36	36	
Air fans, steam pumps, etc.			6		6	6	
Gearing on all machines.....		8	98		106	97	9
Set screws.....			13		13	12	1
Shafting.....	1		26		27	25	2
Belts and pulleys.....	1	7	94		102	96	6
Conveying and hoisting apparatus:							
Elevators and lifts.....	2	13	69		84	80	4
Cranes (steam, electric, portable, etc.)		2	36		38	38	
Hoisting and conveying machinery and apparatus, n. e. s.....	1	7	260	2	270	266	4
Locomotives and trains.....		1	71		72	72	
Wood working machines:							
Saws.....	2	12	184	1	199	198	1
Planers.....		2	48		50	50	
Jointers or buzz planers.....		2	17		19	19	
Shapers.....	1		15		16	16	
Lathes.....		1	6		7	7	
Heading machines.....			1		1	1	
Other wood working machines.....		5	41		46	45	1
Paper and printing machinery:							
Barkers.....			10		10	10	
Callenders and other paper making machines.....		10	91		101	97	4
Paper cutting, stitching and staying machines.....		10	45		55	32	23
Printing presses.....	2	11	23	2	38	32	6
Textile machinery:							
Picking machines.....			13		13	12	1
Carding machines.....	1	2	17		20	18	2
Spinning machines.....	1	3	5		9	5	4
Looms.....		3	28		31	11	20
Formers, knitting machines and other textile machinery.....		6	45		51	33	18
Sewing machines, etc.....		5	13	1	19	10	9
Laundry machines.....			10		10	6	4
Leather working machinery.....		2	25		27	24	3
Metal working machinery:							
Stamping machines.....	4	40	185		229	196	33
Drilling and milling machines.....		11	98		109	105	4
Screw machines.....		1	13		14	14	
Lathes.....		6	42		48	48	
Drop and power hammers.....		2	30		32	32	
Shears.....		4	29		33	33	
Rollers.....			41		41	41	
Others.....	1	12	123		136	125	11
Polishing machines:							
Contact with grindstones, emery wheels, etc.....	1	6	45		52	52	
Struck by fragments of polishing wheels.....		3	39		42	42	
Other.....	1	2	23		26	26	
Machines used in bakeries, confectionery establishments, etc.....		2	13		15	14	1
Machines not elsewhere specified.....	1	8	81		90	79	11
Total.....	20	209	2,108	6	2,343	2,161	182
HEAT AND ELECTRICITY.							
Explosives (powder, dynamite, etc.)...		4	12		16	13	3
Explosion and ignition of gases.....			31		31	29	2
Explosion of boilers and steam pipes.....			5		5	5	
Other injuries from steam and hot liquids.....		2	50		52	51	1
Caustics.....			37		37	37	
Explosion of molten metals.....			12		12	12	
Other accidents from molten metal.....		2	74		76	76	
Vats, pans, etc. (containing hot liquids or caustics).....			8		8	8	
Electricity.....		3	52		55	54	1
Fire and heat, n. e. s.....		3	78		81	78	3
Total.....	14	359	373	6	373	363	10

TABLE V.—ACCIDENTS IN FACTORIES AND QUARRIES, APRIL-JUNE, 1907.

(a) Age and Sex of Persons Injured—(Continued).

CAUSE. [n. e. s.—Not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +	Age not stated.	TOTAL.	Male.	Fem.
FALL OF PERSON.							
Fall from ladder, scaffold, platform, etc.		2	62		64	64	
Fall from machinery, trucks, engines, etc.		2	59		61	61	
Fall caused by collapse of support.		1	44		45	45	
Fall through opening in floor.			20		20	20	
Fall in hoistway shaft, etc.		1	14		15	15	
Fall on stairs, steps, etc.	2	1	19		22	18	4
Fall on level by slipping.		4	18		22	21	1
Fall on level by tripping.		3	21		24	21	3
All others.	1	8	86		95	90	5
Total.	3	22	343		368	355	13
INJURED BY WEIGHTS.							
Falling rock and earth (quarrying, excavating, etc.)			25		25	25	
Falling pile of material (lumber, coal, cement, etc.)			54		54	54	
Falling walls, doors and other objects.		3	239	1	243	240	3
Tools or weights dropped by person injured.		2	69		71	71	
Falling objects dropped by other persons.		2	19		21	21	
Heavy materials or parts on which injured persons were at work.		1	70		71	71	
Machinery being moved.		3	52		55	55	
Fall of materials from trucks in transit.			54		54	54	
Handling of castings, flasks, etc.		2	158		160	160	
Handling of stone, ore, etc.		1	31	1	33	33	
Handling of lumber, paper and other materials.		3	60		63	62	1
Loading or unloading.		3	138	1	142	142	
Cause insufficiently described for classification.		3	46		49	49	
Total.		23	1,015	8	1,041	1,037	4
FLYING OBJECTS.							
Struck in eye by piece of metal, glass, etc.	2	3	112	1	118	115	3
Other injuries from flying objects.			59		59	56	3
Total.	2	3	171	1	177	171	6
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.	1	2	116		119	119	
MISCELLANEOUS.							
Hand tools (hammers, knives, wrenches, files, etc.)		14	131	1	146	141	5
Tools in hands of fellow workmen.			43		43	43	
Injured while fitting and assembling, n. e. s.	1	6	56		63	61	2
Hand caught on nail, wire, sharp projection, etc.		7	88		95	92	3
Hand cut on glass.		2	14		16	11	5
Injured by stepping on nail sliver, etc.		4	65	1	70	68	2
Inhalation of poisonous gases.			11	1	12	12	
All other causes.		5	94	1	100	96	4
Total.	1	38	502	4	545	524	21
GRAND TOTAL.	27	311	4,614	14	4,966	4,730	236

Table V.—(b) Causes and Results of Accidents in

CAUSE. [n. e. s.—Not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, fly wheels, etc.)	36	7	2	4	3	2
Air fans, steam pumps, etc.	6	1		1		
Gearing on all machines	106	33		10	9	
Set screws	13	1		2	2	1
Shafting	27	3			4	
Belts and pulleys	102	16	3	18	12	5
Conveying and hoisting apparatus:						
Elevators and lifts	84	7		6	15	5
Cranes (steam, electric, portable, etc.)	38	4			7	2
Hoisting and conveying machinery and apparatus, n. e. s.	270	50	1	18	61	4
Locomotives and trains	72	3	1	1	13	
Wood working machines:						
Saws	199	54		24	10	
Planers	50	5		11	2	
Jointers or buzz planers	19	5		3		
Shapers	16	5		4		
Lathes	7	1			1	
Heading machines	1				1	
Other wood working machines	46	9		8	2	1
Paper and printing machinery:						
Barkers	10	1		1	1	
Callenders and other paper making machines	101	16	5	5	15	3
Paper cutting stitching and staying machines	55	18		8	8	
Printing presses	38	7		2	11	
Textile machinery:						
Picking machines	13	4		1	2	
Carding machines	20	8		3	1	
Spinning machines	9	3		2	1	
Looms	31	6		10	7	
Formers, knitting machines and other textile machinery	51	14		7	10	1
Sewing machines, etc.	19	6		4	2	
Laundry machines	10	3	4		1	
Leather working machinery	27	4		5	2	
Metal working machinery:						
Stamping machines	229	23		10	9	
Drilling and milling machines	109	16		29	7	2
Screw machines	14	2		4		
Lathes	48	9		15	5	
Drop and power hammers	32	2		1	8	
Shears	33	11		4	2	
Rollers	41	6	3	3	7	
Others	136	34		22	12	4
Polishing machines:						
Contact with grindstones, emery wheels, etc.	52	11	3	10	2	
Struck by fragments of polishing wheels	42	3		5	1	
Other	26	5		8	1	
Machines used in bakeries, confectionery establishments, etc.	15	1		1		
Machines not elsewhere specified	90	14	1	16	15	
Total	2,343	431	23	286	272	30
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.)	16	1	6	1		
Explosion and ignition of gases	31		23	2		
Explosion of boilers and steam pipes	5	1	2			
Other injuries from steam and hot liquids	52		43			
Caustics	37		35			
Explosion of molten metals	12		8			
Other accidents from molten metal	76		70			
Vats, pans, etc. (containing hot liquids or caustics)	8		5			
Electricity	55		33	1		1
Fire and heat, n. e. s.	81		71		1	
Total	373	2	296	4	1	1

Factories and Quarries, April 1-June 30, 1907.

DISABLEMENT.				Serious injuries, probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internally.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
1	4	2	24	4			5		1		6	2
1	3		6									
	3		55	21	2	2	23			2	29	1
	3		9	1			1		1		2	1
	6	3	16	2			1			2	3	6
6	15	2	77	10	2		7			3	12	3
8	22	1	64	7		1	1		1	2	5	8
	3	1	17	10		3	2		2	2	9	2
9	44	6	193	42	2	1	16		3	6	28	7
4	12		34	12	4	3	5		2	4	18	8
1	5	7	101	21		1	59		4	9	73	
		1	19	5		1	25				26	4
		1	9				9			1	10	
			2	3		1	5				6	
			1				1				2	
	1	2	23	7			14	1		1	16	
			3	1			4				6	
2	12	3	61	23		1	11			4	16	1
1			35	5			14		1		15	
3	2	1	26	3		1	5			3	9	
	1		8			1	3				4	1
	1		13	2	1	1	2			1	5	
	1		7	1			1				1	
	1	2	26	4			1				1	
		3	36	8	2		5				7	
		6	18				1				1	
1			9								1	
	1	3	15	2	1	1	6			2	10	
2	3	6	53	52		1	117			6	124	
4	10	6	74	13			21			1	22	
	1	2	9	2			5				2	
2	3	1	35	4			2				9	1
	1		12	11			8	1	1	2	9	
	2		19	3			11				11	
1	10	1	31	6			3			1	4	
3	7	8	90	19			20	1		5	27	
1		8	35	8			8			1	9	
	3	24	36	2				1		1	2	
		2	16	6						3	4	2
1	2	1	6	4	1		2			1	4	1
3	7	5	61	16		1	9		1	2	13	
53	190	108	1,393	341	15	21	435	4	17	69	561	48
	2		10	2				1			1	3
	1		26	1				1		1	2	2
	1		4	1								
	3		46	6								
			35	1								
	1		9	2				1			1	
	1		71	3						1	2	
			5	1						2		
	9	4	48	1				1	1		2	2
	3	2	77	1							4	3
	21	6	331	19				4	1	4	9	14

Table V.—(b) Causes and Results of Accidents in Factories

CAUSE. [n. e. s.—Not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.	64	3		1	15	13
Fall from machinery, trucks, engines, etc.	61	1		4	16	13
Fall caused by collapse of support	45	2		1	11	9
Fall through opening in floor	20			3	7	3
Fall in hoistway, shaft, etc.	15			1	1	1
Fall on stairs, steps, etc.	22	1		1	4	4
Fall on level by slipping	22	2		7	3	4
Fall on level by tripping	24	2		3	3	8
All others	95	13	1	6	17	13
Total	368	24	1	27	77	68
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.)	25	3		2	10	1
Falling pile of material (lumber, coal, cement, etc.)	54	7		5	20	
Falling walls, doors and other objects	243	55	1	32	88	3
Tools or weights dropped by person injured	71	18		4	31	2
Falling objects dropped by other persons	21	3		5	8	
Heavy materials or parts on which injured persons were at work	71	13	1	4	24	6
Machinery being moved	55	12		7	18	1
Fall of materials from trucks in transit	54	10		3	19	1
Handling of castings, flasks, etc.	160	25	1	14	55	9
Handling of stone, ore, etc.	33	5	1	6	8	3
Handling of lumber, paper and other materials	63	10		6	18	8
Loading or unloading	142	32	1	8	59	7
Cause insufficiently described for classification	49	13		1	13	9
Total	1,041	206	5	97	371	50
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.	118	3	4	11	6	
Other injuries from flying objects	59	15	1	20	9	
Total	177	18	5	31	15	
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.						
	119	25		4	32	8
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.)	146	35		67	23	2
Tools in hands of fellow workmen	43	9		10	10	
Injured while fitting and assembling, n. e. s.	63	12	1	11	19	3
Hand caught on nail, wire, sharp projection, etc.	95	27		33	3	
Hand cut on glass	16	2		11		
Injured by stepping on nail, sliver, etc.	70	20		8	1	3
Inhalation of poisonous gases	12					
All other causes	100	10		16	16	22
Total	545	115	1	156	72	30
GRAND TOTAL	4,966	821	331	605	840	187

and Quarries April 1-June 30, 1907—(Concluded).

DISABLEMENT.				Serious injuries, probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internally.	All others	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
2	21	5	55	2				4	2	6	1	
7	10	2	56	1				1	2	3	1	
2	15	2	42	2					1	1		
1	4	1	19								1	
1	5		9				1		2	3	3	
2	9		21								1	
2	1	1	20	1					1	1		
2	3	1	22	1					1	1		
7	15	12	84	5			1	1	2	6		
26	83	22	328	12			2	1	7	11	21	7
2	5		23	2								
3	9	2	46	5		1					1	2
13	19	6	217	14	1	1	4	1	2	9	3	8
3	2	4	64	5					1	1	1	1
2		1	19	1			1			1		
3	2	3	56	7			3		2	3	8	
1		3	42	4			4		1	2	7	2
3	7	1	44	3			3		1	3	7	
12	11	5	132	14			11		1	2	14	
1	1		25	3			3		1		4	1
6	1	6	55	4			1		1	2	4	
6	6	7	126	2			8		1	3	12	2
1	4	1	42	4			2				2	1
56	67	39	891	68	1	2	40		9	18	70	12
2	3	52	79	26				10		3	13	
	1	8	56	2								1
2	4	60	135	28				10		3	13	1
13	15	5	102	9			1			5	6	2
1	1	9	138	4			2	1		1	4	
1	3	2	35	2			2		2	2	6	
2	1	6	55	5			3				3	
	4	20	87	8								
			13	1			1			1	2	
		34	66	4								
	2	8	10									2
2	10	14	90	8			1			1	2	
6	21	93	494	32			9	1	2	5	17	2
156	401	333	3,674	509	16	23	487	20	36	115	697	86

TABLE VI.—STATISTICS OF BUILDING OPERATIONS IN THE PRINCIPAL CITIES.

Buildings Authorized in New York City in April, May and June, 1906 and 1907.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS			
	1906.	1907.	1906.	1907.	COMMENCED.		COMPLETED.	
					1906.	1907.	1906.	1907.
NEW BUILDINGS:								
Bronx.....	687	672	\$9,036,610	\$6,996,150	597	630	530	440
Brooklyn.....	2,646	3,214	19,076,689	25,765,735	2,208	2,869	1,573	1,390
Manhattan.....	596	390	39,047,430	31,745,750	506	282	477	368
Queens.....	1,200	1,365	4,694,907	5,791,418	140	879	257	706
Richmond.....	254	260	1,018,860	992,282	71	231	124	171
Total.....	5,283	5,901	\$72,874,496	\$71,291,335	3,522	4,891	2,961	3,075
ALTERATIONS:								
Bronx.....	226	190	\$361,985	\$239,435	204	176	194	143
Brooklyn.....	1,241	1,503	1,403,639	2,204,542	1,059	2,013	505	2,100
Manhattan.....	1,286	1,336	5,844,495	5,078,793	976	1,067	692	615
Queens.....	431	400	324,428	394,698	232	420	247	301
Richmond.....	180	202	131,300	177,380	128	196	171	194
Total.....	3,364	3,631	\$8,065,847	\$8,094,848	2,599	3,872	1,809	3,353
TOTAL OF NEW BUILDINGS AND ALTERATIONS:								
Bronx.....	913	862	\$9,398,595	\$7,235,585	801	806	724	583
Brooklyn.....	3,787	4,717	20,480,328	27,970,277	3,267	4,882	2,078	3,490
Manhattan.....	1,382	1,726	44,891,925	36,824,543	1,482	1,849	1,169	983
Queens.....	1,631	1,765	5,019,335	6,186,116	372	1,299	504	1,007
Richmond.....	434	462	1,150,160	1,169,662	199	427	295	365
Total.....	8,647	9,532	\$80,940,343	\$79,386,183	6,121	8,763	4,770	6,428

Number and Estimated Cost of New and Remodeled Tenement Houses Included in the Foregoing Table.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST.	
	1906.	1907.	1906.	1907.
NEW TENEMENTS:				
Bronx.....	164	179	\$5,506,900	\$3,690,500
Brooklyn.....	809	1,039	9,784,000	10,995,000
Manhattan.....	397	178	23,535,400	12,543,500
Queens.....	202	175	1,196,800	1,523,200
Richmond.....	.....	1	.....	3,500
Total.....	1,572	1,572	\$40,023,100	\$28,765,700
REMODELED TENEMENTS:				
Bronx.....	35	24	\$47,575	\$20,175
Brooklyn.....	120	195	103,925	144,963
Manhattan.....	748	735	1,690,480	1,537,900
Queens.....	19	32	2,750	14,741
Richmond.....	.....	2	.....	3,100
Total.....	922	988	\$1,844,730	\$1,720,779
TOTAL OF NEW AND REMODELED TENEMENTS:				
Bronx.....	199	203	\$5,554,475	\$3,710,675
Brooklyn.....	929	1,234	9,887,925	11,139,963
Manhattan.....	1,145	913	25,226,880	14,081,900
Queens.....	221	207	1,199,550	1,537,941
Richmond.....	.....	3	.....	6,600
Total.....	2,494	2,560	\$41,867,830	\$30,476,479

TABLE VII.—STATISTICS OF BUILDING OPERATIONS IN BUFFALO, ROCHESTER, SYRACUSE AND TROY.

CITY AND PERIOD.	NEW BUILDINGS.		ADDITIONS AND REPAIRS.		ALL BUILDINGS.	
	No.	Cost.	No.	Cost.	No.	Cost.
BUFFALO.						
April.....	199	\$899,365	152	\$187,335	351	*\$1,086,700
May.....	210	531,405	157	210,595	367	742,000
June.....	196	568,915	120	107,085	316	676,000
	605	\$1,999,685	429	\$505,015	1,034	\$2,504,700
April-June, 1907.....						
1906.....	639	\$3,507,630	354	\$234,880	993	\$3,742,510
1905.....	647	2,003,987	409	366,250	1,056	2,370,237
1904.....	566	1,695,360	337	281,845	903	1,977,205
1903.....	406	2,443,250	229	210,786	635	2,654,036
1902.....	275	834,712	265	256,204	540	1,090,916
1901.....	206	396,888	118	109,096	324	505,984
1900.....	151	502,672	181	142,036	332	644,708
ROCHESTER.						
April.....	201	\$808,120	61	\$177,925	262	\$786,045
May.....	150	586,665	44	37,140	194	623,805
June.....	136	593,050	44	54,130	180	647,180
	487	\$1,787,835	149	\$269,195	636	\$2,057,030
April-June, 1907.....						
1906.....	468	\$1,609,184	150	\$315,026	618	\$1,924,210
1905.....	428	1,689,257	140	156,868	568	1,846,125
1904.....	286	1,808,204	77	79,630	363	1,887,834
1903.....	192	464,222	71	46,204	263	510,426
1902.....	182	790,940	109	148,563	291	939,503
1901.....	131	387,373	96	116,536	227	503,909
1900.....	148	581,010	92	72,285	240	653,295
SYRACUSE.						
April.....	85	\$460,010	113	\$206,623	198	\$666,633
May.....	66	307,620	79	53,235	145	\$360,855
June.....	67	221,900	71	82,805	138	304,705
	218	\$989,530	263	\$342,663	481	\$1,332,193
April-June, 1907.....						
1906.....	170	\$973,920	175	\$107,390	345	\$1,081,310
1905.....	148	549,425	172	119,838	320	669,263
1904.....	116	577,383	166	112,138	282	689,521
1903.....	95	578,470	125	99,840	220	678,310
1902.....	78	222,180	128	74,970	206	297,150
1901.....	103	422,708	186	110,376	289	533,084
1900.....	90	263,799	212	102,755	302	366,554
TROY.						
April-June, 1907.....	37	\$243,400	80	\$62,905	117	\$306,305
1906.....	22	177,950	118	23,000	140	200,950

*Includes grain elevator costing \$125,000, and a malthouse costing \$120,000.

‡Includes a fire-proof high school building to cost \$200,000 and a brewery to cost \$100,000

§Includes brick car shops costing \$100,000.

TABLE VIII.—NUMBER AND PERCENTAGE OF UNEMPLOYED MEMBERS

INDUSTRIES OR GROUPS OF TRADES.	Unions.	MEMBERS REPORTING.					
		Jan.	Feb.	Mar.	Apr.	May.	June.
1. Building, Stone Working, Etc.	53	29,105	28,869	28,991	29,942	30,003	30,234
Stone working.....	2	683	682	688	682	697	713
Building and paving trades..	*46	25,835	25,731	25,846	26,795	26,851	27,096
Building and street labor....	5	2,487	2,456	2,457	2,465	2,455	2,425
2. Transportation.....	37	17,563	17,406	17,480	17,455	17,851	18,252
Railways.....	25	6,135	6,037	5,992	6,095	6,133	6,234
Navigation.....	2	4,350	4,350	4,350	4,350	4,400	4,375
Teaming and cab driving..	5	3,858	3,741	3,757	3,740	3,741	3,748
Freight handling.....	4	1,295	1,313	1,346	1,345	1,377	1,395
Telegraphs.....	1	1,925	1,965	2,035	1,925	2,200	2,500
3. Clothing and Textiles.....	17	7,434	7,487	7,579	7,905	7,968	7,998
Garments.....	10	4,699	4,630	4,620	4,871	4,921	4,938
Hats, caps and furs.....	3	920	923	934	920	933	946
Boots, shoes and gloves....	2	1,450	1,550	1,700	1,750	1,750	1,750
Textiles.....	2	365	384	325	364	364	364
4. Metals, Machinery and Shipbuilding.	26	9,397	9,354	9,458	9,512	9,509	9,884
Iron and steel.....	22	8,171	8,108	8,174	8,232	8,227	8,639
Metals other than iron and steel.	3	596	596	630	630	630	628
Shipbuilding.....	1	630	650	654	650	652	617
5. Printing, Binding, Etc.....	2	6,848	6,863	6,854	6,893	6,915	6,912
6. Wood Working and Furniture....	10	3,361	3,366	3,408	3,374	3,413	3,440
7. Food and Liquors.....	12	4,124	4,195	4,195	4,194	4,213	4,222
Food products.....	17	1,618	1,693	1,681	1,606	1,617	1,619
Beverages.....	5	2,506	2,502	2,514	2,588	2,596	2,603
8. Theaters and Music.....	3	1,464	1,469	1,475	1,478	1,474	1,355
9. Tobacco.....	6	3,371	3,376	3,292	3,349	3,344	3,342
10. Restaurants and Retail Trade....	8	2,735	2,732	2,693	2,582	2,578	2,586
Hotels and restaurants.....	6	2,551	2,548	2,509	2,395	2,394	2,400
Retail trade.....	2	184	184	184	187	184	186
11. Public Employment.....	2	2,234	2,245	2,257	2,254	2,263	2,272
12. Stationary Firemen.....	5	2,849	3,046	3,091	3,099	2,906	2,949
13. Miscellaneous.....	10	2,386	2,389	2,469	2,365	2,318	2,394
Paper and paper goods.....	3	604	607	601	604	603	603
Barbering.....	3	767	771	770	771	780	787
Leather and leather goods....	1	169	168	167	173	175	173
Glass and glassware.....	2	551	545	547	550	552	555
Other trades.....	1	295	298	384	267	208	276
Total.....	191	92,871	92,797	93,242	94,402	94,755	95,840

*47 in April, May and June. †6 in April, May and June.

OF REPRESENTATIVE TRADE UNIONS, JANUARY-JUNE, 1907.

NUMBER IDLE.						PERCENTAGE IDLE.					
Jan.	Feb.	Mar.	April	May.	June.	Jan.	Feb.	Mar.	April.	May.	June.
11,762	10,427	9,430	5,298	4,470	3,230	40.4	36.1	32.5	17.7	14.9	10.7
412	246	140	133	39	29	60.3	36.1	20.3	19.5	5.6	4.1
9,950	9,049	8,080	4,685	4,023	3,000	38.4	35.2	31.3	17.5	15.0	11.1
1,400	1,132	1,210	480	408	201	56.3	46.1	49.2	19.5	16.6	8.3
4,955	4,608	4,427	887	1,642	1,147	28.2	26.5	25.3	5.1	9.2	6.3
242	235	180	215	172	155	3.9	3.9	3.0	3.5	2.8	2.5
4,250	3,900	3,362	300	250	200	97.7	89.7	77.3	6.9	5.7	4.6
303	262	575	277	278	452	7.9	7.0	15.3	7.4	7.4	12.1
160	211	310	95	927	330	12.4	16.1	23.0	7.1	67.3	23.7
				15	10	0.0	0.0	0.0	0.0	0.7	0.4
404	692	495	650	857	654	5.4	9.2	6.5	8.2	10.8	8.2
331	540	405	520	724	601	7.0	11.7	8.8	10.7	14.7	12.2
69	99	90	86	73	49	7.5	10.7	9.6	9.3	7.8	5.2
3	48		40	60		0.2	3.1	0.0	2.3	3.4	0.0
1	5		4		4	0.3	1.3	0.0	1.1	0.0	1.1
515	524	353	430	466	439	5.5	5.6	3.7	4.5	4.9	4.4
244	433	278	380	414	410	4.2	5.3	3.4	4.6	5.0	4.7
41	41			20	12	6.9	6.9	0.0	0.0	3.2	1.9
130	50	75	50	32	17	20.6	7.7	11.5	7.7	4.9	2.8
880	876	878	795	804	796	12.9	12.8	13.1	11.5	11.6	11.5
661	519	571	620	691	586	19.7	15.4	16.8	18.4	20.2	17.0
337	365	311	216	228	238	8.2	8.7	7.4	5.2	5.4	5.6
259	291	230	162	184	170	16.0	17.2	13.7	10.1	11.4	10.5
78	74	81	54	44	68	3.1	3.0	3.2	2.1	1.7	2.6
44	44	105	160	166	207	3.0	3.0	7.1	10.8	11.3	15.3
182	191	143	164	358	285	5.4	5.7	4.3	4.9	10.7	8.5
89	183	136	178	145	91	3.3	6.7	5.1	6.9	5.6	3.5
87	181	134	176	144	90	3.4	7.1	5.3	7.3	6.0	3.8
2	2	2	2	1	1	1.1	1.1	1.1	1.1	0.5	0.5
55	48	38	31	39	17	2.5	2.1	1.7	1.4	1.7	0.7
38	54	47	80	28	37	1.3	1.8	1.5	2.6	1.0	1.3
85	122	64	54	61	82	3.6	5.1	2.6	2.3	2.6	3.4
	18	5	1	3		0.0	3.0	0.8	0.2	0.5	0.0
29	28	10	12	18	14	3.8	3.6	1.3	1.6	2.3	1.8
19	8	8	8	10	8	11.2	4.8	4.8	4.6	5.7	4.6
25	44	27	25	25	45	4.5	8.1	4.9	4.5	4.5	8.1
12	24	14	8	5	15	4.1	8.1	3.6	3.0	2.4	5.4
20,007	18,653	17,018	9,563	9,955	7,809	21.5	20.1	18.3	10.1	10.5	8.1

TABLE IX.—CAUSE OF IDLENESS AMONG

INDUSTRIES OR GROUPS OF TRADES.	LABOR DISPUTES.					
	Jan.	Feb.	Mar.	April.	May.	June.
1. Building, Stone Working, Etc.	249	410	950	71	52	.....
Stone working						
Building and paving trades	239	410	950	71	52	.....
Building and street labor	10					
2. Transportation					942	310
Railways						
Navigation						
Teaming and cab driving						
Freight handling					927	300
Telegraphs					15	10
3. Clothing and Textiles		50				
Garments		50				
Hats, caps and furs						
Boots, shoes and gloves						
Textiles						
4. Metals, Machinery and Shipbuilding	4		9	15	7	40
Iron and steel	4		9	15	7	40
Metals other than iron and steel						
Shipbuilding						
5. Printing, Binding, Etc.	315	302	300	269	255	248
6. Wood Working and Furniture	87	127				
7. Food and Liquors						
Food products						
Beverages						
8. Theaters and Music						
9. Tobacco				2	182	100
10. Restaurants and Retail Trade						
Hotels and restaurants						
Retail trade						
11. Public Employment						
12. Stationary Engine Men						
13. Miscellaneous			6	4	4	
Paper and paper goods						
Barbering						
Leather and leather goods						
Glass and glassware			6	4	4	
Other trades						
Total	655	889	1,265	361	1,442	698

MEMBERS OF REPRESENTATIVE TRADE UNIONS.

DISABILITY.						ALL OTHER REASONS.					
Jan.	Feb.	Mar.	April.	May.	June.	Jan.	Feb.	Mar.	April.	May.	June.
404	480	338	284	309	290	11,109	9,537	8,142	4,943	4,109	2,948
1			12	2	9	411	246	140	121	37	20
402	479	337	271	306	280	9,309	8,160	6,793	4,343	3,665	2,720
1	1	1	1	1	1	1,389	1,131	1,209	479	407	200
297	253	237	189	192	189	4,658	4,355	4,190	698	508	648
218	180	167	127	124	129	24	55	23	88	48	26
12			10	15	8	4,238	3,900	3,362	290	235	192
52	56	60	52	53	52	251	206	515	225	225	400
15	17	20				145	194	290	95		30
110	88	50	60	28	59	294	554	445	590	829	595
82	45	25	29	5	21	249	445	380	491	719	580
24	30	25	27	23	34	45	69	65	59	50	15
3	8						40		40	60	
1	5		4		4						
135	156	126	161	171	149	376	368	218	254	288	250
105	131	101	136	139	132	235	302	168	229	268	238
						41	41			20	12
30	25	25	25	32	17	100	25	50	25		
343	334	337	267	270	274	222	240	261	289	279	274
128	27	18	21	25	40	446	365	553	599	666	546
28	35	39	34	19	54	309	330	272	182	209	184
28	9	6	12	10	10	259	282	224	150	174	160
	26	33	22	9	44	50	48	48	32	35	24
14	14	14	13	18	13	30	30	91	147	148	194
103	93	84	90	100	74	79	98	89	72	76	111
25	27	6	15	12	19	64	156	130	163	133	72
23	25	4	13	11	18	64	156	130	163	133	72
2	2	2	2	1	1						
55	48	38	31	39	17						
3	3	3	16	6	3	35	51	44	64	22	34
21	34	25	14	12	20	64	88	33	36	45	62
		5	1	3			18				
6	7	3	4	4	4	23	21	7	8	14	10
3	3	2	1	1	1	16	5	6	7	9	7
		1				25	44	20	21	21	45
12	24	14	8	4	15					1	
1,666	1,592	1,315	1,195	1,201	1,201	17,686	16,172	14,438	8,007	7,312	5,910

TABLE X.—IDLENESS IN NEW YORK CITY AT THE END OF JUNE.

INDUSTRIES OR GROUPS OF TRADES.	Unions.	Members.	Number idle.	Per cent. idle.	IDLE ON ACCOUNT OF—		
					Labor disputes.	Disability.	Other reasons.
1. Building, Stone Working, Etc.	30	23,159	2,945	12.7	.....	199	2,746
Stone working.....	1	540	24	4.4	.....	6	18
Building and paving trades.....	26	20,289	2,721	13.4	.....	193	2,528
Building and street labor	3	2,330	200	8.6	.....	.....	200
2. Transportation.....	8	7,410	694	9.4	310	54	330
Hallways.....	2	832	4	0.6	.....	4	.....
Teaming and cab driving	3	3,408	350	10.3	.....	50	300
Freight handling.....	2	870	330	37.9	300	.....	30
Telegraphs.....	1	2,500	10	0.4	10	.....	.....
3. Clothing and Textiles.....	9	5,319	610	11.5	.....	45	565
Garments.....	6	3,995	565	14.1	.....	15	550
Hats, caps and furs.....	2	774	45	5.8	.....	30	15
Boots, shoes and gloves..	1	550	.....	0.0	.....	.....	.....
4. Metals, Machinery and Shipbuilding.....	14	6,327	194	3.1	9	51	134
Iron and steel.....	10	5,082	165	3.2	9	34	122
Metals other than iron and steel.....	3	628	12	1.9	.....	.....	12
Shipbuilding.....	1	617	17	2.8	.....	17	.....
5. Printing, Binding, Etc.....	1	6,772	792	11.7	248	272	272
6. Wood Working and Furniture	7	3,141	563	17.9	.....	37	526
7. Food and Liquors.....	7	3,375	209	6.2	.....	45	164
Food products.....	5	1,415	154	10.9	.....	10	144
Beverages.....	2	1,960	55	2.8	.....	35	20
8. Theaters and Music.....	1	846	106	12.5	.....	.....	106
9. Tobacco.....	2	1,850	156	8.4	.....	45	111
10. Restaurants and Retail Trade.	4	1,735	54	3.1	.....	14	40
Hotels and restaurants..	3	1,605	54	3.4	.....	14	40
Retail trade.....	1	130	.....	0.0	.....	.....	.....
11. Public Employment.....	1	1,995	15	0.8	.....	15	.....
12. Stationary Engine Men.....	2	1,460	30	2.1	.....	3	27
13. Miscellaneous.....	3	728	53	7.3	.....	1	52
Leather and leather goods	1	173	8	4.6	1	7
Glass and glassware.....	2	555	45	8.1	45
Total.....	89	64,117	6,421	10.0	567	781	5,073

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EDITORIAL SUMMARY.

Returns of idleness received from 92 representative labor organizations in New York City show that **The State of Employment.** at the end of December, out of 66,120 members, 22,627 or 34.2 per cent were idle as compared with percentages of idleness on the same day for the same set of unions of 12.8 in 1906, 6.7 in 1905 and 17.8 in 1904. Comparison with 1906 as to causes of idleness shows that this great increase of idleness at the close of 1907 was due entirely to slack trade there having been no increase in the number idle on account of labor disputes, disability, etc. Over 90 per cent of those idle on December 31st last reported lack of work as the cause. Obviously the dominant influence in the returns is the business depression which followed the financial panic of October, and nearly all industries represented in the ranks of organized labor were affected. But returns from all labor organizations in New York State for the third quarter of 1907, combined with returns of building operations from city authorities, reveal the fact that in the building trades of New York City, in which are about one-third of the organized workers of the metropolis, there was a marked depression prior to October, evident in fact throughout July, August and September. Chiefly as a result of this decline in metropolitan building operations the percentage of all organized wage earners in the state, over 400,000 in number, who were idle throughout the third quarter in 1907, somewhat exceeded that of any year since 1901, except 1903 when a general strike brought building operations in the metropolis almost to a standstill. Outside of New York City building operations in the third quarter of 1907 continued actively. Among other industries there were notable increases in idleness at the end of September in the metal and machinery trades due

chiefly to lack of work, in the transportation trades due partly to lessened employment and partly to the general strike of telegraphers, and in the clothing trades mostly traceable to a large strike of tailors in New York City. These increases supplemented the more important adverse situation in the metropolitan building trades so that there was a higher percentage of idleness among organized wage workers in New York State at the end of September (10.7) than has been shown in any other year since 1900, the percentage in 1906 having been but 5.7, and in 1905, only 4.9.

* * *

The reports of earnings of organized workingmen in the third quarter of 1907 indicate that very generally the high level of wages attained in 1906 was fully maintained or even slightly raised in 1907. Earnings were reported for 378,000 men. Out of thirteen industries or groups of trades represented, all but four show some increase in average daily earnings in the third quarter of 1907 as compared with 1906. To mention only the most important industries, there were increases of 8 cents per day in the printing trades, 3 cents in clothing and textiles and 2 cents each in transportation and the metal trades. In the building industry, however, which is by far the most important among the organized trades, the average daily wage did not advance. It was fairly maintained, however, the decrease shown amounting to but a fraction of a cent. The returns further indicate that for those who had work employment was quite as steady in a majority of the trades in 1907 as in 1906, the average number of days worked during the third quarter having increased in 1907 by from one-half to three and one-half days in eight of the thirteen groups of trades. The only decreases among the leading industries were a slight one of 0.3 in the average for transportation and an important one of 1.6 days in the building industry which reflects again the depression in that industry in New York City. Chiefly on account of this decrease in average time worked there was a decrease of

Wages in
1907.

\$7 in the quarterly earnings for the building trades. But with wages generally maintained and employment about as steady in most cases all but three of the other industries show some increase in average quarterly earnings.



**Trade Unions
in 1907.** At the end of September there were 2,498 trade and labor unions in the state with a total membership of 437,092. This membership far surpasses all previous records and represents an increase over the total in March of more than 22,000 and over the number in September of the previous year of above 38,000. Of the gain since March three-quarters (16,700) was in New York City. Buffalo, Rochester, Syracuse and Albany gained each from 500 to 900 members. Of the thirteen organized industries or groups of trades all but three made gains in membership. The largest gain was one of 8,500 in the clothing trades, nearly all in New York City. Other large gains were 5,500 in the transport trades divided between the metropolis and the remainder of the state, 3,900 in the theatrical trades mostly confined to New York City, and 2,900 in the building trades in which there was a gain of 4,000 in the remainder of the state while in New York City there was a loss of 1,000. The only considerable decrease was one of 1,300 in the metals and machinery industry due to a slump of 2,500 in the electrical industry of Schenectady, with gains elsewhere, principally one of 1,000 in New York City.



**Disputes
and
Conciliation.** The Bureau of Mediation and Arbitration recorded as many strikes and lockouts begun during July, August and September in 1907 as in 1906, but the number of those on strike or locked out in 1907 was 21,695 as compared with 13,795 in 1906 and still smaller numbers in 1905, 4 and 3. The total time lost on account of disputes in the third quarter was 415,000 days or 45,000 more than in the same

quarter of 1906. From the point of view of the general public the most serious dispute of the quarter was that of the commercial telegraphers which involved 1,260 employees in this state, about 1,000 of whom were in New York City. The Bureau of Mediation and Arbitration intervened for purposes of conciliation in 23 disputes during the third quarter of 1907, all but one of these being strikes. In two cases the Bureau's representatives reported that settlements resulted immediately from their efforts. In a third case such efforts plainly contributed materially to a settlement while in the one case of intervention before strike no settlement of points at issue was secured but the threatened strike did not occur. In six cases intervention occurred in the first instance upon request which each time came from the workpeople.

* * *

During July, August and September, 1907, 5,264
Accidents. accidents (persons injured) in factories, mines, quarries and tunnels were reported, as compared with 4,966 reported in April, May and June, or with 3,912 in the third quarter of 1906. Fatal accidents reported in the third quarter of 1907 numbered 97 against 86 in the second quarter, or 62 in the third quarter of 1906. These increases are due chiefly to increasing completeness of returns fostered by more strenuous efforts of the Department to secure full returns of all accidents to which end the law of 1906, making statements in accident reports inadmissible as evidence in suits for damages, has very materially aided by making employers more willing to report. A portion of the increases noted, most significantly that between the second and third quarters of 1907, was due to the inclusion for the first time of accidents in tunnel workings which the law of June 3, 1907, made it compulsory for employers to report. The peculiar justice of the general provisions of that law which provide regulations to safeguard tunnel workers similar to those long in existence for mines and quarries is brought out by the number of tunnel accidents, including at least four fatali-

ties, reported within the first three months, coupled with the fact that the Court of Appeals has held (*Citrone v. O'Rourke Engineering Co.*, 188 N. Y. 339, reported in Department BULLETIN for June, 1907, p. 188) that where, as in trench or tunnel work, the danger to workmen is due to the manner in which the work is prosecuted, and so subject to constant change as the work proceeds, the common-law rule making an employer liable for failure to provide a safe place to work for his employees does not apply, thus throwing the *onus* of the extra hazard of the occupation upon the workman alone.



**Factory
Inspection.**

During July, August and September of 1907, over 10,000 inspections of factories, shops, mines, etc., were made by the Bureau of Factory Inspection, including 9,528 regular, and 380 special, inspections. In addition nearly 10,000 investigations of complaints, compliances with orders, applications for license to manufacture in tenements were made, in addition to which over 1,200 observations of unlicensed tenement buildings were filed. Complaints investigated during the quarter numbered 236, as compared with 98 in the corresponding quarter of 1906, or 231 in the third quarter of 1905. More attention was given to compliances with orders in 1907 than in 1906, the number of establishments investigated as to such compliance during the third quarter being for the two years respectively, 8,425 and 6,744. Deputy inspectors reported 69 prosecutions instituted during the quarter and twice as much time devoted to such cases as in the same quarter of 1906. The power to stop work by affixing tags, placards or labels in order to secure compliance with the law as to cleanliness and sanitation was invoked 39 times in case of tenement work (as compared with 89 in 1906), 51 times in tenant factories and twice in bakeshops. During the quarter the licenses of three tenement buildings for manufacturing purposes in New York City were revoked for unlawful conditions. Tenement buildings to the number of 618

(592 in New York City) were licensed during the quarter, bringing the total of such licensed buildings at the end of September up to 8,120 (7,628 in New York City). Returns of child labor certificates issued by boards of health in first and second class cities increased in the third quarter of 1907, as compared with 1906, in every one of the nine cities except one (Albany), the totals for the nine cities in the two years being respectively, 5,938 and 5,062.

UNEMPLOYMENT IN NEW YORK CITY AT THE END OF DECEMBER.

The unavoidable delay in the publication of this issue of the BULLETIN makes it possible to publish here the result of a special tabulation of returns of idleness on December thirty-first from representative trade unions in New York City, and tabulation having been undertaken in advance of the usual routine with a view to meeting to some extent the numerous inquiries received by the Department as to the amount of unemployment since the financial panic of October. Similar returns for the remainder of the state, as well as for New York City, for the six months from June to December, 1907, will be published as usual in the March BULLETIN.

In Table X of the Appendix are summarized, by industries or groups of trades, the returns for December, 1907, and for December, 1906, the same unions with but two or three exceptions reporting in both years.

The 92 unions from which returns were received for December, 1907, made returns for a total of 66,120 members, of whom 22,267 or 34.2 per cent were reported as idle at the end of the month. These figures compare with those for previous years as follows:

AT END OF—	Unions.	Wage earners reporting.	Number idle.	Per cent idle.
January, 1904.....	...	68,808	15,953	23.2
December, 1904.....	88	66,185	11,770	17.8
December, 1905.....	89	62,940	4,226	6.7
December, 1906.....	90	62,213	7,938	12.8
December, 1907.....	92	66,120	22,627	34.2

Plainly, idleness in New York City at the close of the year 1907 far exceeded that in any other of the last five years. The natural inquiry at once is, how far this increase of idleness was due to the financial panic of October and the succeeding business depression? Light is thrown upon this point by the causes of idleness as reported in 1907 and 1906 as follows:

NUMBER IDLE ON ACCOUNT OF—	1907.	1906.	Percentage, 1907.
Lack of work.....	20,716	5,799	91.6
Strike or lockout.....	592	654	2.6
Sickness, accident, old age.....	1,053	841	4.6
Other reasons.....	268	644	1.2
Total.....	22,627	7,938	100.0

The comparison makes it evident at once that the increase of idleness at the end of 1907 was practically all due to lack of work and not to an exceptional number of labor disputes, increase of sickness or other causes. Over 90 per cent of those idle at the end of December were returned as unable to get work.

The following table indicates that the depression of business at the close of the year affected different industries in very unequal degrees.

	Members reporting.		Number idle.		Per cent idle.	
	1907.	1906.	1907.	1906.	1907.	1906.
1. Building, stoneworking, etc.	23,341	22,634	10,507	4,439	45.0	19.6
2. Transportation	8,924	8,571	1,620	612	27.8	9.3
3. Clothing	8,648	5,722	4,642	873	53.7	15.3
4. Metals, machinery, etc....	6,228	5,682	1,799	279	28.9	4.9
5. Printing, binding, etc. ...	6,950	6,728	776	906	11.2	13.5
6. Woodworking, etc.	2,913	2,943	853	399	29.3	13.6
7. Food and liquors	3,479	3,382	398	214	11.4	6.3
8. Theaters and music.....	925	845	0	0	0.0	0.0
9. Tobacco	1,793	1,924	1,487	51	82.9	2.7
10. Restaurants, retail trade.	1,756	1,776	325	61	18.5	3.4
11. Public employment	1,713	1,980	16	38	0.9	1.9
12. Stationary engine men....	1,779	1,331	68	29	3.8	2.2
13. Miscellaneous	678	695	136	37	20.1	5.3
Total.....	<u>66,120</u>	<u>62,213</u>	<u>22,627</u>	<u>7,938</u>	<u>34.2</u>	<u>12.8</u>

While the proportion of idleness varies widely, every industry shows an increase and, save for the theatrical trades and stationery engine men, a very heavy increase, except the printing trades and public employment. In the case of the printing trades, there was an altogether exceptional amount of idleness last year on account of the eight-hour strikes. Further it would appear that the idleness shown for the printing trades this year is too low rather than too high. All but 125 of the members reporting were in one leading union of composers, which returned about 6 per cent of its members as idle for lack of work, but there seems to have been a much larger proportion of idleness in other trades of the group. Thus special reports secured from two unions not in the permanent list of selected unions making regular monthly reports to the Bureau show for a pressmens' union with nearly 1,500 members almost 14 per cent idle for lack of work in December, 1907, as compared with none in 1906, and for a lithographers' union with nearly 1,000 members, 30 per cent idle for slack trade in 1907 as compared with none in 1906. In the case of public employment similarly the degree of idleness is under-

stated, a single large union of letter-carriers, with whom sickness is practically the sole cause of idleness, alone being represented in the regular reporting list while a special report from a union of 1,750 dock builders shows over 60 per cent idle for lack of work in 1907 as compared with 35 per cent in the preceding year. The percentage of idleness shown for the tobacco trades by two cigarmakers' unions (nearly all returned as due to lack of work) exceeds so astonishingly that for any other industry as to appear open to question. But a special report secured from a union of cigarette makers with 600 members would seem to confirm the above figures, the secretary stating that while last year all the members were idle for a week between Christmas and New Years on account of inventory, this year all the members were laid off the second week in December and only a few had started to work in the third week in January.

WAGES AND EMPLOYMENT IN THIRD QUARTER, 1907.

QUARTERLY EARNINGS.

The semi-annual canvass of trade and labor organizations of the state as to wages and employment last September showed that the average earnings for July, August and September of 1907 of the 378,000 male union members who were reported at work were \$226.42 (see Table I in Appendix). This is \$1.06 more than the average reported for 349,000 members in the corresponding quarter of 1906. Further comparison of this year with last, as in Table 1 below, shows that there was an increase of average earnings in every one of the thirteen industries or groups of trades represented in the ranks of organized labor except four, these four exceptions being (1) building, stone working, etc.; (6) wood working and furniture; (12) stationary engine men, and (13) miscellaneous trades.

TABLE 1.—AVERAGE QUARTERLY EARNINGS OF ORGANIZED WORKING MEN, IN JULY, AUGUST AND SEPTEMBER, 1900-1907 — BY INDUSTRIES.

INDUSTRY.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.
1. Building, stone working, etc.	\$186	\$215	\$235	\$211	\$213	\$246	\$251	\$244
2. Transportation	176	177	170	178	189	210	219	222
3. Clothing and textiles....	119	135	147	147	131	155	158	169
4. Metals, machinery and shipbuilding.....	193	200	200	193	203	214	223	224
5. Printing, binding, etc....	225	227	217	220	222	226	227	241
6. Woodworking and furniture.....	180	187	180	185	172	197	209	201
7. Food and liquors.....	168	186	189	184	182	187	196	198
8. Theaters and music....	320	337	344	304	291	300	294	464
9. Tobacco.....	133	138	146	145	136	145	149	158
10. Restaurants and retail trade.....	144	160	153	155	168	180	181	191
11. Public employment.....	202	212	206	207	215	218	232	233
12. Stationary engine men...	229	226	215	214	225	239	271	260
13. Miscellaneous.....	132	138	133	134	152	177	175	168
All industries.....	<u>\$182</u>	<u>\$194</u>	<u>\$197</u>	<u>\$190</u>	<u>\$196</u>	<u>\$219</u>	<u>\$225</u>	<u>\$226</u>

Among the nine groups of trades in which increases of average earnings appear it will be seen that the amount of the increase varies considerably. Thus, to note only the principal industries, in the transportation and metal industries the gains were \$3 and \$1 respectively, while in the clothing and printing trades the increases amounted to \$11 and \$14. But whatever the increases were, inasmuch as the figures for last year in every one of the nine industries constituted the record for any year since 1899, it will be seen that the average earnings in these nine industries (transportation, clothing, metals, printing, food

and liquors, theaters and music, tobacco, restaurants and retail trade, and public employment) reached a new high record for the last eight years.

No industry shows an increase exceeding that of \$14 in printing except theaters and music where there is an astonishing jump from \$294 in 1906 to \$464 for 1907. A little analysis reveals the fact that this increase for the group was caused by an increase in a single union of actors in New York City which reported a heavy advance in average weekly pay due to keen competition among theatrical managers, together with an addition of 1,500 new members, nearly all of whom were of the more highly paid classes, with weekly earnings reported as high as \$250 in some cases.* The effect of the increase in this one union upon the average earnings of all unionists in the state is sufficient to turn what would otherwise be a decrease into an increase. Thus, had the membership and pay in this union remained the same in 1907 as in 1906 the average earnings of male unionists in the third quarter this year would have been \$223.08 (instead of \$226.42 as above), or \$2.28 less than the average in 1906. In view of the fact that actors (certainly such as are as highly paid as those in the union above referred to) really belong to a *profession* rather than a *trade* it may fairly be said that the returns for the third quarter of 1907, as compared with 1906, show a slight decrease rather than an increase in the average earnings of the organized *wage* earners of the state taken as a whole.

In view of the fact, therefore, that except for the disturbing effect of an altogether non-typical "trade" the average earnings of the state's trade unionists declined while at the same time, as we have seen, in nine out of thirteen industries the average earnings actually did increase, it becomes important to notice the decreases in four industries which practically counterbalanced the combined increases of the others. When it is pointed out that 34 per cent of the male unionists in the state reporting employment are in the building trades, in which average quarterly earnings were \$7 less this year, as compared with only 3 per cent

* In view of the effect on the average for all trades noted in the next sentence, this case serves as a striking illustration of the continual necessity of care in the interpretation of wage statistics where the composition of the reporting bodies is liable to change which, as repeatedly pointed out in these BULLETINS, is inevitably true for the membership of trade unions.

in woodworking with a decrease of \$8, 4 per cent in stationary engine tending with a decline of \$11, and 3 per cent in the miscellaneous trades with a decrease of \$7, it will be seen that the decline in the building trades is the controlling factor, and is altogether conspicuous among the year's changes.

RATE OF PAY AND AMOUNT OF EMPLOYMENT.

Two factors determine quarterly earnings, the rate of pay and amount of employment. The following Tables 2 and 3 afford an opportunity for consideration of the trend in each of these two factors in the third quarter of 1907 as shown by average daily earnings and average days of employment of the trade unionists whose quarterly earnings have already been considered, while in Table 4 the changes in each factor in 1907 as compared with 1906 are revealed in comparison with the changes in quarterly earnings.

TABLE 2.—AVERAGE WAGES RECEIVED FOR A DAY'S WORK BY MALE MEMBERS OF LABOR ORGANIZATIONS IN THE THIRD QUARTER, 1903-7.

GROUPS OF TRADES.	1903.	1904.	1905.	1906.	1907.
1. Building, stone working, etc.	\$3.29	\$3.22	\$3.46	\$3.72	\$3.71
2. Transportation	2.16	2.36	2.53	2.61	2.63
3. Clothing and textiles.....	2.51	2.54	2.41	2.52	2.55
4. Metals, machinery and shipbuilding..	2.70	2.89	2.93	3.07	3.09
5. Printing, binding, etc.	3.15	3.24	3.22	3.30	3.38
6. Wood working and furniture.....	2.66	2.79	2.77	2.93	2.97
7. Food and liquors.....	2.35	2.54	2.55	2.62	2.60
8. Theaters and music.....	4.47	4.78	4.80	4.54	7.48
9. Tobacco	2.00	1.99	2.05	2.03	2.11
10. Restaurants and retail trade.....	1.99	2.15	2.24	2.31	2.37
11. Public employment	2.52	2.67	2.48	2.71	2.77
12. Stationary engine tending.....	2.68	2.85	2.89	3.24	3.06
13. Miscellaneous	1.93	2.06	2.38	2.46	2.31
All trades	<u>\$2.69</u>	<u>\$2.80</u>	<u>\$2.97</u>	<u>\$3.12</u>	<u>\$3.13</u>

TABLE 3.—AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE THIRD QUARTER 1900-1907.

INDUSTRIES.	Number employed, 1907.	AVERAGE NUMBER OF DAYS WORKED.					
		1907.	1906.	1905.	1904.	1903.	1902.
1. Building, stone working, etc..	130,238	65.8	67.4	71.0	66.2	64.0	69
2. Transportation	65,413	84.5	84.0	83.0	80.0	82.2	75
3. Clothing and textiles.....	37,554	66.1	62.5	64.1	51.5	58.7	63
4. Metals, machinery, etc.	36,990	72.3	72.6	72.8	70.2	71.5	76
5. Printing, binding, etc.	23,320	71.3	68.9	70.2	68.5	69.8	70
6. Wood working and furniture.	10,402	67.7	71.2	71.3	61.5	69.4	67
7. Food and liquors.....	13,941	76.0	74.8	73.2	71.5	78.3	77
8. Theaters and music.....	6,856	62.1	64.7	62.5	60.9	68.0	67
9. Tobacco	9,023	75.0	73.5	70.7	68.6	72.7	74
10. Restaurants and retail trade.	8,035	80.6	78.2	80.2	78.3	78.1	77
11. Public employment	10,308	84.1	85.4	87.9	83.8	82.2	81
12. Stationary engine men	13,769	85.1	83.7	82.7	78.9	79.9	†
13. Miscellaneous	12,672	72.7	71.3	74.4	74.0	69.3	74
Total — Men	<u>378,521</u>	<u>72.4</u>	<u>72.1</u>	<u>73.7</u>	<u>69.8</u>	<u>70.7</u>	<u>71</u>
Total — Women	<u>12,720</u>	<u>69.0</u>	<u>68.4</u>	<u>68.2</u>	<u>62.9</u>	<u>68.9</u>	<u>67</u>

† Included in group IV.

TABLE 4.—CHANGES IN QUARTERLY EARNINGS, DAILY EARNINGS AND AMOUNT OF EMPLOYMENT, THIRD QUARTER 1907, COMPARED WITH 1906.

	INCREASE OR DECREASE IN 1907			Weight of group in total.*
	Quarterly earnings.	Average earnings per day.	Average days of employment.	
1. Building, stone working, etc.....	\$6.87—	\$0.01—	1.6—	34
2. Transportation	3.23+	0.02+	0.5+	17
3. Clothing and textiles	11.00+	0.08+	3.6+	10
4. Metals, machinery, etc.	0.79+	0.02+	0.3—	10
5. Printing, binding, etc.	13.79+	0.08+	2.4+	6
6. Wood working and furniture.	8.52—	0.04+	3.5—	3
7. Food and liquors	1.94+	0.02—	1.2+	4
8. Theaters and music	170.39+	2.94+	2.6—	2
9. Tobacco	8.82+	0.08+	1.5+	2
10. Restaurants, retail trade	10.41+	0.06+	2.4+	2
11. Public employment	1.33+	0.06+	1.3—	8
12. Stationary engine men	11.11—	0.18—	1.4+	4
13. Miscellaneous	7.11—	0.15—	1.4+	3
Total	\$1.06+	\$0.01+	0.3+	100

The average daily earnings of those who worked was almost exactly the same (one cent higher) in 1907 as in 1906, and their average amount of employment was likewise nearly the same, though again with some increase (three-tenths of a day). As accounting for the slight increase in quarterly earnings the increase in employment would appear as more important than the change in daily pay. The altogether exceptional character of the increase in daily earnings in Group 8, theaters and music, has already been explained. Among the other industries the largest increases in average daily pay appear in the printing and tobacco trades (+8 cents in each) followed by the restaurant and retail trades and public employment (+6 cents in each). On the other hand, in respect of steadier employment for those at work, the clothing trades are foremost (increase of 3.6 in average days of employment) followed by the printing trades and restaurants and retail trade (+2.4 days.) It thus appears that both better pay and more work contributed to the increased earnings in the printing trades; that in the clothing trades on the other hand more work was the principal factor; that in restaurants and retail trade again both factors contributed to the increase; and so on for the other industries with lesser gains, or for those with decreases. Of the latter it is important to observe that Table 4 indicates that the decrease in average quarterly earnings in the building industry which is conspicuous by reason of the importance of that industry, was due primarily to a decrease in amount of employment, especially if it be noted that the exact decrease in average daily pay was only eight-tenths of a cent.

* Percentage in each group of total members reporting.

IDLENESS.

Thus far consideration has been given to those organized workmen who had some work. But there were 10,492 members of unions (10,331 men and 161 women) who had no work at all during the quarter. This is equal to 2.5 per cent of the members reporting as to employment, a percentage of idleness exceeding that for the corresponding quarter of any previous year since 1901 except 1903, as may be seen in the following

TABLE 5.—NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE—

YEAR.	DURING THIRD QUARTER.		AT THE END OF SEPTEMBER.	
	Number.	Percentage.	Number.	Percentage.
1897	10,893	6.5	23,230	13.8
1898	9,734	5.7	22,485	13.1
1899	4,790	2.3	9,590	4.7
1900	12,926	5.4	31,460	13.3
1901	8,341	3.1	18,617	6.9
1902	6,291	1.9	18,381	5.7
1903	12,670	3.3	34,370	9.0
1904	9,175	2.4	37,380	9.7
1905	7,491	2.0	18,430	4.9
1906	7,354	1.9	21,596	5.7
1907	10,492	2.5	43,258	10.7

Table 5 also shows the proportion of members reported idle at the end of the quarter, revealing a higher percentage of idleness at the end of September than any previous year since 1898 excepting only 1900.

Examining as to the causes of this greatly increased idleness it is found by Table 6 below that "lack of work" or slack trade was the chief contributing cause, with a considerable, though far less important, increase over the last two years in idleness due to labor disputes (*cf.* quarterly report of strikes and lock-outs in following pages).

TABLE 6.—CAUSES OF IDLENESS AT THE END OF SEPTEMBER, 1904-1907.

CAUSE.	NUMBER.				PERCENTAGE.			
	1904.	1905.	1906.	1907.	1904.	1905.	1906.	1907.
Lack of work	21,718	11,525	11,669	29,401	58.0	62.5	54.0	68.0
Lack of stock	952	655	753	1,752	2.5	3.6	3.5	4.0
Weather	968	739	668	569	2.6	4.0	3.1	1.3
Labor disputes	10,593	2,403	3,919	7,516	28.4	13.0	18.1	17.4
Disability	1,878	2,577	3,127	3,444	5.0	14.0	14.5	8.0
Other reasons	1,140	438	1,215	343	3.1	2.4	5.6	0.8
Reason not stated	136	93	247	253	0.4	0.5	1.2	0.5
Total	37,380	18,430	21,596	43,258	100.0	100.0	100.0	100.0

In order to ascertain the location of the increased idleness among the different industries, it is necessary to examine Table 7 in connection with which Table 8 may also be considered with respect to idleness at the end of the quarter.

TABLE 7.—IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS: BY INDUSTRIES.

GROUPS OF TRADES.	AT END OF SEPTEMBER.					DURING THIRD QUARTER.				
	Num- ber.	Percentage.				Num- ber.	Percentage.			
		1907.	1907.	1906.	1905.		1904.	1907.	1907.	1906.
1. Building, stone work- ing, etc.	17,748	13.8	5.3	2.5	9.8	4,537	3.1	0.6	0.6	1.5
2. Transportation . . .	4,670	6.6	3.0	3.2	9.2	1,048	1.5	1.2	1.4	2.0
3. Clothing and textiles	8,651	19.0	11.3	15.3	15.3	147	0.3	1.8	4.0	3.7
4. Metals, machinery, etc.	3,053	8.0	3.3	4.4	11.5	521	1.4	1.5	1.6	3.0
5. Printing, binding, etc.	2,125	8.1	12.6	6.7	7.5	1,216	4.7	6.9	3.7	3.3
6. Wood working, etc. .	1,185	9.8	4.9	7.0	17.3	621	5.4	3.0	2.8	3.8
7. Food and liquors. . .	959	6.7	5.4	9.3	9.8	359	2.5	2.3	5.5	2.7
8. Theaters and music. .	1,453	11.2	12.0	7.7	7.2	1,204	0.9	11.4	7.5	6.3
9. Tobacco	385	3.8	7.3	5.1	4.0	239	2.0	3.6	4.1	1.6
10. Restaurants and re- tail trade	346	4.1	3.6	5.2	5.4	79	0.9	0.4	1.7	0.6
11. Public employment. .	1,065	10.0	2.6	1.8	9.2	110	1.0	1.4	1.7	2.2
12. Stationary engine- men	297	2.1	1.3	1.6	1.9	123	0.9	0.6	0.9	0.2
13. Miscellaneous	721	5.4	3.0	3.1	5.2	288	2.2	2.4	2.0	4.0
Total	42,658	10.5	5.7	4.9	9.7	10,492	2.5	1.9	2.0	2.4

TABLE 8.—NUMBER OF UNION MEMBERS IDLE AT END OF SEPTEMBER ON ACCOUNT OF—

INDUSTRY.	LACK OF WORK.			LABOR DISPUTES.			ALL OTHER.		
	1905.	1906.	1907.	1905.	1906.	1907.	1905.	1906.	1907.
Building, stone work- ing, etc.	1,664	4,443	15,193	880	198	133	1,297	2,348	2,422
Transportation . . .	1,231	912	2,514	158	225	1,555	609	678	601
Clothing and tex- tiles	3,934	2,863	3,440	410	454	4,145	346	388	1,066
Metals, machinery, etc.	686	173	2,205	282	483	307	521	542	541
Printing, binding, etc.	1,094	505	1,350	233	2,420	251	417	449	524
Wood working and furniture	427	181	1,051	246	110	....	75	329	134
Food and liquors. . .	624	611	723	165	....	7	478	111	229
Theaters and music	798	1,221	1,258	....	10	182	28	88	13
Tobacco	214	232	139	1	9	....	395	620	246
Restaurants and re- tail trade	490	226	253	....	2	20	40	55	73
Public employment. .	62	102	800	....	....	....	100	138	265
Stationary engine men	158	129	202	....	....	54	33	38	41
Miscellaneous	143	71	273	1	8	262	163	224	186
Total	11,525	11,669	29,401	1,876	3,919	6,916	4,502	6,008	6,341

Considering continuous idleness throughout the quarter it appears that the proportion of such idleness increased in each of six of the industries but that such increase did not amount to more than one-half of 1 per cent except in the buildings and woodwork-

ing trades. Bearing in mind the relative importance of these two industries (*cf.* Table 4 above) it will be seen that the increase from 0.6 per cent in the building trades in both 1905 and 1906 to 3.1 in 1907 is the principal feature in the increase of continuous idleness during the third quarter. Of decreases in such idleness those in the clothing (— 1.5 per cent) and printing (— 2.2 per cent) trades are the most notable.

Considering idleness at the end of September the heaviest increase was in the building trades, caused entirely by "lack of work" or slack trade. Statistics of building operations for July, August and September in leading cities (*cf.* Table IV in Appendix) would indicate that the slackness in the building industry was chiefly in New York City (over 70 per cent of the union membership in the building trades is in the metropolis) where, although the cost of alterations remained the same and their number actually increased, the estimated cost of new buildings authorized was nearly one-third less this year than last and the number of new buildings commenced was over one-fourth less, whereas the figures for Buffalo and Rochester, especially the latter, show increased activity and Syracuse shows a considerable increase in number of new buildings and alterations though the total cost of such was less than last year.

But idleness at the end of the quarter increased notably in other industries. In the clothing trades the percentage of idleness increased but little less than that for the building trades and the proportion of idleness at the end of the September was higher in the clothing industry than in any other. Table 8 shows that this increase was almost all due to labor disputes which Table II of the Appendix shows to have been principally in the garment making trades and which, as a matter of fact, is for the most part traceable to the extensive strike of coat tailors in New York City. In the transportation trades there was a marked increase of unemployment as compared with 1905 or 1906 due in part to lack of work and in part to labor disputes, the strike of telegraphers accounting for practically all of the latter. In the metal trades, where also idleness shows a marked increase over the last two years, lack of work was the prime cause. It

is noticeable that in the printing trades, which as already indicated, showed the largest improvement in quarterly earnings of those who had work, although idleness decreased in 1907 as compared with 1906, when there was an exceptional amount due to the eight-hour strikes, nevertheless the percentages both for the end of September and the entire quarter are higher than in 1904 or 1905. Table 8 makes it clear that labor disputes caused comparatively little idleness at the end of September outside of the transportation and clothing trades as above noted.

TRADE AND LABOR UNIONS.

The June BULLETIN noted a growth in labor organization between October 1, 1906, and March 31, 1907, exceeding in amount that for any similar period since 1903. The same thing is true in a more marked degree for the next six months, April 1 to September 30, 1907. The increase in number of labor organizations in the last six months (39) exactly equalled that in the former, but the growth in membership during the spring and summer (22,373) much exceeded that of the preceding fall and winter (16,225). As a result of this growth the number of unions in the state on September 30th was but two short of 2,500, a figure exceeded in but two previous years, while the number of union members, 437,092, surpasses any previous record by more than 37,000.

TABLE 1.—NUMBER AND MEMBERSHIP OF LABOR UNIONS, 1897-1907, WITH SEMI-ANNUAL INCREASE.

YEAR.	ORGANIZATIONS.			MEMBERS.		
	March.	Sept.	Increase.	March.	Sept.	Increase.
1897	927	1,009	82	142,570	168,454	25,884
1898	1,048	1,087	39	179,955	171,067	*8,888
1899	1,156	1,320	164	173,516	209,020	35,504
1900	1,452	1,635	183	232,533	245,381	12,848
1901	1,742	1,871	129	244,851	276,141	31,290
1902	1,930	2,229	299	279,950	329,101	49,151
1903	2,362	2,583	221	357,102	395,598	38,496
1904	2,555	2,504	*51	399,699	391,676	*8,023
1905	2,420	2,402	*18	374,531	383,236	8,705
1906	2,411	2,420	9	394,270	398,494	4,224
1907	2,459	2,498	39	414,719	437,092	22,373

The total number of new unions formed during July, August and September was 136 but in the same period 97 old unions disbanded or amalgamated with others, leaving the net gain of 39.

As made plain by Table 2 below this gain was contributed chiefly by the building (+ 19), transportation (+ 10), clothing (+11), and metal trades (+7). Of the other groups of trades, however, four made some gains leaving but five (printing, wood-working, food and liquors, public employment and miscellaneous) in which the number of unions declined none of these losses exceeding a half dozen and the two leading ones being in the miscellaneous group (— 6) and in food and liquors (— 5).

* Decrease.

NUMBER OF LABOR UNIONS DISBANDED, AMALGAMATED OR ORGANIZED APRIL 1-
OCTOBER 1, 1907.

GROUPS OF TRADES.	Reor- ganized.	Dis- banded.	Amalga- mated.	Total lapsed.	New organ- izations.	Net change.
1. Building, stone working, etc.	3	14	1	15	34	+19
2. Transportation	1	6	1	7	17	+10
3. Clothing and textiles	8	4	2	6	17	+11
4. Metals, machinery, etc.	2	13	2	15	22	+7
5. Printing, binding, etc.	1	3	.....	3	2	-1
6. Woodworking and furniture	1	5	.....	5	3	-2
7. Food and liquors	2	6	1	7	2	-5
8. Theaters and music . . . . .	.....	.....	1	1	5	+4
9. Tobacco . . . . .	.....	.....	.....	.....	1	+1
10. Restaurants and retail trade . . . . .	.....	8	1	9	11	+2
11. Public employment	1	5	4	9	6	-3
12. Stationary engine men . . . . .	.....	3	.....	3	5	+2
13. Miscellaneous	1	16	1	17	11	-6
Total	19	83	14	97	136	+39

The following Table 3 shows the changes in union membership, as well as in number of unions, in the different industries or groups of trades and in New York City, where are over 65 per cent of the unionists of the state, and the remainder of the state. Gains in number of organizations were made chiefly outside of the metropolis but the reverse is true in respect of membership, about three-fourths of the increase being in New York City.

TABLE 3.—CHANGES IN NUMBER OF LABOR ORGANIZATIONS AND MEMBERSHIP OF SAME IN NEW YORK CITY AND THE REMAINDER OF THE STATE, APRIL 1 TO OCTOBER 1, 1906.

GROUPS OF TRADES.	ORGANIZATIONS.		MEMBERS.		
	New York City.	Other places.	New York City.	Other places.	New York State.
1. Building, stone working, etc.	.....	+19	-1,066	+4,004	+2,938
2. Transportation	+1	+9	+2,415	+3,102	+5,517
3. Clothing and textiles	+7	+4	+7,717	+752	+8,469
4. Metals, machinery, etc. . . . .	.....	+7	+1,073	-2,413	-1,340
5. Printing, binding, etc. . . . .	.....	-1	+551	-279	+272
6. Wood working and fur- niture	+1	-3	+74	-108	-34
7. Food and liquors . . . . .	.....	-5	+620	-49	+571
8. Theaters and music . . . . .	.....	+4	+3,594	+361	+3,955
9. Tobacco	+1	.....	+195	-55	+140
10. Restaurants and retail trade . . . . .	.....	+2	-474	+435	-39
11. Public employment	-5	+2	+1,100	-1	+1,099
12. Stationary engine men	+1	+1	+116	+565	+681
13. Miscellaneous	+1	-7	+826	-682	+144
Total	+7	+32	+16,741	+5,632	+22,373

There were gains in union membership during the six months in every one of the thirteen industries or groups of trades except three. The largest increase appears in the clothing trades, amounting to nearly 8,500, nine-tenths of which was in New York City where the great bulk of organized workpeople in this industry are found. This large increase in the metropolis, though distributed among a considerable number of trades, is in large part accounted for by two conspicuous gains of 3,500 by

the fur workers and 1,800 by the coat makers. An increase of 5,500 in the transportation trades was partly in New York City, where a new boatmen's union with 1,800 members would account for three-quarters of the increase, and partly in other localities being pretty well distributed as to places and trades. An increase of 3,200 members by the actors' unions in New York City made up the bulk of an increase of 3,900 in the group of theaters and music. A gain of 2,900 in the building trades is found to have been entirely outside of the metropolis where as a matter of fact the total for those trades declined by over 1,000 while the total for the rest of the state increased 4,000. This decrease in the metropolis, which amounted to less than 1 per cent, was the product of a number of fluctuations, none conspicuously large, but was shared in greater or less degree by a considerable number of the skilled building and paving trades, the stone working trades and unskilled building occupations, especially the former, showing gains in membership. Similarly the increase in membership for the remainder of the state was pretty well distributed, the most notable trade increases being one of 1,600 among the carpenters and one of 1,200 among the painters in various localities. The increase of 1,100 members in organizations of public employees all in New York City, was chiefly the effect of an increase of 800 among the organized drivers and hostlers of the street cleaning department.

In but one group of trades was there a decline in union membership of any account. In the metal trades there was an increase of over 1,000 in New York City but for the remainder of the state the total decreased by 2,400. Both these changes are found to have been in the iron and steel trades. New York City's gain was the product of increases in several trades but the up-state decline was wholly due to a slump of 2,500 in the unions of electrical apparatus makers in Schenectady. As the membership in this occupation comprised in March 47 per cent of all the unionists in the city, the slump caused a heavy decline for Schenectady as a whole in marked contrast to the half dozen other leading trade union centers of the state, as shown in Table 4. The distribution of unions and membership in each of these cities by industries may be seen in Table III of the Appendix.

TABLE 4.—NUMBER AND MEMBERSHIP OF LABOR UNIONS IN LEADING CITIES.

CITY.	ORGANIZATIONS.			MEMBERSHIP.			
	March.	Sept.	Change.	March.	Sept.	Increase.	
						Number.	Per cent.
New York	706	713	+7	269,729	286,470	16,741	6.2
Buffalo	180	181	+1	31,817	32,715	898	2.8
Rochester	87	84	-3	14,895	15,396	501	3.4
Syracuse	84	86	+2	8,337	8,884	547	6.6
Albany	84	83	-1	7,936	8,619	683	8.6
Schenectady	54	52	-2	9,777	7,483	*2,294	*28.5
Troy	48	49	+1	4,793	4,824	31	0.6
Total	1,243	1,248	+5	347,284	364,391	17,107	4.9
All other places.....	1,216	1,250	+34	67,435	72,701	5,266	7.8
Grand total	2,459	2,498	+39	414,719	437,092	22,373	5.4

At the end of September, 1907, there were 28 trades in which the union membership equaled 4,000 or more. Table 5 exhibits the membership in these trades on that date, arranged according to size of membership, together with comparative figures for 1906, 1905 and 1894. During the six months, April to September, two trades (out of 26 having 4,000 or more members on March 31st) lost members enough to fall below the 4,000 mark, namely, the electrical apparatus makers and cabmen and coach drivers, while four—actors, coat makers, bartenders and fur workers—by increases in membership reached and passed that mark.

TABLE 5.—NUMBER AND MEMBERSHIP OF UNIONS IN THE PRINCIPAL TRADES.

TRADES.	UNIONS.				MEMBERS.			
	1894.	1905.	1906.	1907.	1894.	1905.	1906.	1907.
Carpenters and joiners.....	86	182	184	194	9,021	22,909	20,710	32,841
Hod carriers.....	27	39	50	52	6,742	14,838	18,218	18,708
Excavators.....	..	1	2	2	..	16,000	16,010	16,350
Painters and decorators.....	25	93	98	102	4,458	13,953	13,525	14,384
Bricklayers and masons.....	47	80	82	83	7,738	12,131	13,445	13,050
Stationary engineers.....	10	69	61	59	939	7,882	8,200	10,194
Cigarmakers.....	47	53	52	53	8,198	10,388	10,174	10,069
Compositors.....	27	50	45	43	7,068	10,063	9,870	9,775
Team drivers.....	1	38	130	141	47	7,694	15,728	19,236
Machinists.....	17	61	57	58	1,180	7,759	7,709	8,586
Musicians.....	17	38	37	40	4,584	8,085	7,873	8,738
Trainmen.....	39	46	45	45	1,521	7,190	7,495	8,220
Iron molders.....	30	47	47	47	3,158	7,038	7,548	7,411
Brewery workmen.....	24	55	52	50	3,153	6,683	7,053	7,362
Plumbers and gasfitters.....	111	48	48	54	13,895	6,556	5,920	6,314
Plasterers.....	4	13	14	15	2,703	4,904	6,286	5,798
Actors and chorus singers.....	2	4	7	6	393	3,147	3,486	5,363
Firemen, locomotive.....	31	40	42	44	2,439	4,587	4,759	5,034
Coat makers.....	5	10	11	13	1,756	4,017	3,363	4,945
Telegraphers.....	..	16	15	17	..	3,818	4,349	4,912
Jacket makers.....	3	4	4	6	2,675	1,695	2,500	4,799
Engineers, locomotive.....	34	41	41	43	3,241	4,204	4,364	4,725
Electrical workers.....	2	36	38	41	666	5,180	4,928	4,601
Letter carriers.....	2	81	86	88	1,183	4,065	4,184	4,387
Stationary firemen.....	1	16	14	15	36	4,155	4,450	4,380
Roofers and sheet metal workers.....	8	39	41	44	1,854	3,649	4,080	4,222
Bartenders.....	5	44	40	42	363	5,886	3,768	4,197
Fur workers.....	..	2	2	8	..	340	404	4,126

* Decrease.

† Includes commission wagon drivers, delivery wagon drivers, express and mail wagon drivers, ice handlers and truck drivers.

‡ All branches, including grains workers and maltsters.

§ Includes steam fitters and helpers.

¶ Includes cable splicers and linemen.

On March 31, 1907, there were 12,515 organized working women in the state. At the end of September the number had increased to 14,231. This increase of 1,716 was caused principally by the presence of nearly 800 women among the newly organized fur workers in New York City, together with 250 more in a new metropolitan union of straw hat makers.

The relative increase in number of organized working women, nearly 14 per cent, considerably exceeded that for union men, a little over 5 per cent, but organized women still constitute but a small fraction, 3.3 per cent, of the total number of trade unionists in the state.

INDUSTRIAL RELATIONS IN NEW YORK.

Statistics of Disputes in July, August and September.

The third quarter of 1907, according to the records of the Bureau of Mediation and Arbitration, saw the beginning of 73 strikes or lockouts. As a result of these disputes 21,695 workers who were directly interested were rendered idle and 15,640 others, although not themselves directly concerned, were thrown out of work. In addition to the new disputes 14 others begun in the second quarter caused the loss of 69,208 days during July, August and September making the total amount of time lost during the third quarter 415,116 days. This shows an increase of 45,000 days lost over the third quarter of last year when the aggregate loss of time was 370,000 days.

The high record for number of disputes in the third quarter of 1906 was equaled this year, and the number involved was nearly twice as great. The following figures show the number of strikes and employees directly involved in the third quarter of each year since 1903:

	1903.	1904.	1905.	1906.	1907.
New disputes recorded.....	34	22	59	73	73
Employees directly concerned.....	7,151	13,643	11,657	13,795	21,695

Of the total number of disputes recorded, seventeen caused the loss of more than two thousand days each as compared with eighteen in the third quarter of 1906. Ten of the seventeen disputes were entirely in New York City, and account for by far the larger proportion of time lost. From the point of view of the general public the most serious dispute was that of the commercial telegraphers, involving 1,260 employees in seventeen localities about one thousand of whom were in New York City. The following table gives some statistics concerning the principal strikes of the quarter:

LOCALITY.	Trade.	Date.	EMPLOYEES AFFECTED.		Aggregate days lost.
			Directly.	Indirectly.	
New York City...	Furriers.....	Aug. 23-Oct. 5...	6,000	.....	*84,934
New York City...	Tailors.....	July 15-Aug. 15.	6,000	14,000	70,000
†New York State Cities...	Telegraphers.....	Aug. 12-Nov. 6..	1,260	.....	*54,180
Mechanicville...	Pulp workers.....	July 22-Sept. 30.	350	300	34,650
New York City...	Barbers.....	Aug. 12-24.....	2,000	.....	24,000
Firthcliffe.....	Carpet weavers.....	Aug. 22-.....	228	447	*15,351
New York City...	Shirtmakers.....	July 22-Sept. 14.	1,000	.....	6,500
Buffalo.....	Building laborers.....	July 9-Aug. 5...	500	.....	6,000
New York City...	Whitegoods makers.....	Aug. 9-Sept. 9...	181	3	5,784
New York City...	Enameled ware makers.....	July 8-20.....	650	.....	5,200
New York City...	Meat wagon drivers.....	Aug. 22-Sept. 9...	235	.....	3,760
New York City...	Hat band makers.....	Aug. 3-Sept. 23..	80	.....	3,520
New York City...	Engineers and rock-men.....	Sept. 3-.....	129	.....	*3,096
New York City...	Cigarmakers.....	Aug. 15-Oct. 12..	75	.....	*3,000
Albany.....	Stove mounters.....	Sept. 9-30.....	19	142	2,633
Rifton.....	Carpet weavers.....	Aug. 5-Sept. 14..	59	.....	2,065
Buffalo.....	Car inspectors and repairers.....	Aug. 1-20.....	200	.....	2,000

Arrangement of the statistics of disputes in the third quarter by causes shows that more than one-third of the disputes were for advances in wages, while trade unionism accounts for one-fifth. Measured by number of workers directly concerned the five largest disputes of the quarter (the furriers', tailors', telegraphers', barbers' and shirtmakers' in the preceding table) serve to make trade unionism and reduction of hours the leading subjects of disputes.

CAUSE OR OBJECT.	NUMBER OF DISPUTES.					Employees directly concerned.
	Won by—		Com- promised.	Pending or not reported.	Total.	
	Workers.	Employers.				
Increase of wages.....	5	12	9	8	29	1,867
Reduction of wages.....	2	3	.....	.....	5	256
Reduction of hours.....	1	3	2	.....	6	28,601
Trade unionism.....	2	10	2	.....	14	69,254
Employment of particular classes or persons.....	1	7	.....	.....	8	487
Working arrangements.....	.....	3	3	.....	6	1,032
Payment of wages.....	1	.....	.....	.....	1	50
Sympathetic.....	.....	.....	1	.....	1	36
Miscellaneous.....	2	1	.....	.....	3	112
	14	39	17	3	73	.....
Employees directly con- cerned	21,784	26,724	212,758	429	....	21,695

Of the 73 new disputes recorded, 39, or a little more than one-half, were won by employers, whereas the workmen were

*To September 30. †These cities are New York City, Albany, Buffalo, Binghamton, Elmira, Jamestown, Lockport, Newburgh, Niagara Falls, North Tonawanda, Poughkeepsie, Rochester, Saratoga, Schenectady, Seneca Falls, Syracuse and Utica.

aIncludes 6,000 in the tailors' and 2,000 in the barbers' disputes in New York City. bIncludes 6,000 in the furriers' and 1,000 in the shirtmakers' disputes in New York City and 1,260 in the telegraphers' dispute.

cIncludes 1,000 in the shirtmakers' dispute in New York City. dIncludes 2,000 in the New York City barbers' dispute and 1,260 in the telegraphers' dispute.

eIncludes 6,000 in the tailors' and 6,000 in the furriers' disputes in New York City.

wholly successful in obtaining their demands in 14 disputes and partially successful in 17 others. Of the 14 disputes concerning trade unionism, the employers were successful in 10. The employees, on the other hand, were more successful in obtaining increases of wages, receiving their full demand in 5 cases and a part in 9 others. Of the employees directly concerned 31 per cent were totally defeated, 8 per cent were wholly successful and 59 per cent secured some form of compromise.

Intervention by Bureau of Mediation and Arbitration.

In the summary appended to this article are set forth the more general facts concerning 23 cases of intervention in labor disputes reported by the Bureau of Mediation and Arbitration for July, August and September of 1907. All of these interventions occurred in strikes or lockouts and after stoppage of work had occurred except one, in which case the Bureau intervened before any stoppage of work and a threatened strike was not declared although the efforts of the Bureau's representative did not effect a settlement of the dispute. The Bureau intervened in the first instance upon its own initiative in 17 of the 23 cases. In the other 6 cases the workpeople had requested intervention, no request for intervention coming in the first instance from employers.

In all the cases the intervention was in the nature of personal efforts to bring about conciliation made by individual members of the Bureau's staff, there being no case of arbitration either by individuals or the State Board. It must be understood that the column of the summary setting forth the "nature and result of Bureau's action" contains only a crude characterization or measure of the Bureau's action or results accomplished. It serves, however, to bring out the fact that the Bureau's representatives were able to bring about conferences of the parties, naturally an object of prime importance in such intervention, in six cases, or one-fourth of the total. In some cases more than one conference was brought about. In the seventeen cases in which the parties could not be brought together the work of the Bureau's representatives varied all the way from simple formal offer of services to numerous interviews with the parties in an endeavor to arrange a meeting or secure concessions.

The terms "settled" or "not settled" refer only to direct effects plainly traceable to the Bureau's efforts. In 2 cases out of the 23 the Bureau's representatives reported that a settlement resulted immediately from their efforts; once after a conference of parties and once by the securing of concessions from one side which were acceptable to the other. In a third case the conference arranged did not bring an immediate settlement, but the terms therein discussed became ultimately the basis of settlement so that this case is credited as settled in part at least.

In a fourth case, already alluded to (Little Falls leather workers), the conference arranged by the Bureau prior to any stoppage of work ended without any agreement, the employers refusing any concession, but the evening of the same day the union voted not to strike for the enforcement of its demands.

SUMMARY OF INTERVENTIONS BY BUREAU OF MEDIATION AND ARBITRATION IN JULY, AUGUST AND SEPTEMBER, 1907.

Date of dispute.	Locality.	Number and trade of employees involved. [Italics=trades indirectly affected.]	INTERVENTION—		Nature and result of Bureau's action.	Close of dispute.
			Before or after stoppage of work.	Re-quested by—		
April 29	New York City..	176 jewelry and silver case makers.	After.....	.....	Conferences of parties arranged. Not settled.....	Oct. 12
May 28	New York City..	200 hotel porters.....	After.....	Workers.	Employers interviewed. Not settled.....	June 17
June 1	New York City..	230 wire workers.....	After.....	Workers.	Employers interviewed. Not settled.....	Aug. 1
June 3	New York City..	215 white goods makers.....	After.....	Workers.	Each party interviewed. Not settled.....	July 8
June 11a	West Seneca.....	39 blacksmiths and helpers.	After.....	Workers.	Employers interviewed. Not settled.....	July 6
June 28a	New York City..	14 teamsters.....	After.....	.....	Each party interviewed. Settled.....	July 31
July 2	New York City..	105 box makers.....	After.....	.....	Conferences of parties arranged. Settled.....	July 13
July 8c	New York City..	650 agate ware makers.....	After.....	.....	Each party interviewed. Not settled.....	July 20
July 15	New York City..	20,000 shirt makers.....	After.....	.....	Each party interviewed. Not settled.....	July 20
July 22	New York City..	1,000 shirt makers.....	After.....	.....	Conferences of parties arranged. Settled in part.....	Aug. 15
Aug. 1	Buffalo.....	200 cap inspectors and re-makers.	After.....	.....	Each party interviewed. Not settled.....	Sept. 14
Aug. 3	New York City..	80 hat band makers.....	After.....	.....	Each party interviewed. Not settled.....	Aug. 20
Aug. 9	New York City..	184 white goods makers.....	After.....	.....	Services of Bureau offered to each party. Not settled.....	Sept. 23
Aug. 12d	New York State..	1,260 telegraphers.....	After.....	.....	Each party interviewed. Not settled.....	Sept. 9
Aug. 13	New York City..	7 carpenters and plumbers.....	After.....	.....	Services of Bureau offered to employees. Not settled.....	Nov. 6
Aug. 21	New York City..	35 firemen and others.....	After.....	.....	Each party interviewed. Not settled.....	Oct. 8
Aug. 22	New York City..	235 meat wagon drivers.....	After.....	.....	Each party interviewed. Not settled.....	Aug. 21
Aug. 23	New York City..	6,000 furriers.....	After.....	.....	Each party interviewed. Not settled.....	Sept. 8
Sept. 9	Albany.....	161 stove mounters and others.....	After.....	Workers..	Conference arranged. Not settled.....	Sept. 30
Sept. 10e	Little Falls.....	186 leather workers.....	Before.....	Workers..	Conference arranged. No agreement, but no strike occurred.....	Sept. 20
Sept. 11e	Albany.....	30 laborers.....	After.....	Workers..	Employer interviewed. Not settled.....	Sept. 11
Sept. 11	New York City..	54 machinists.....	After.....	Workers..	Conference arranged. Not settled.....	Sept. 12
Sept. 11	New York City..	72 skirt pressers.....	After.....	Workers..	Each party interviewed. Not settled.....	Sept. 23

a See account of this case in September (1907) Bulletin, p. 312. b No definite date. c See account in September (1907) Bulletin, p. 309.

d This dispute was national in extent. e Date of request for intervention.

Joint Trade Agreements.**BUFFALO TYPOTHETAE AND BOOKBINDERS' UNION.**

THIS AGREEMENT by and between the Typothetae of Buffalo and the Local Bookbinders' Union No. 17, of the International Brotherhood of Bookbinders, dated at Buffalo, N. Y., October 25, 1907.

WITNESSETH:

That, for and in consideration of the sum of one dollar each to the other paid, the receipt of which is hereby acknowledged, and in consideration of the further covenants and agreements, herein set forth, the parties hereto do hereby agree as follows:

That from and after the first day of January, 1908, until the thirty-first day of December, 1910, both inclusive, the scale of wages to be paid to the members of said Union employed by the members of the Typothetae of Buffalo shall be as follows:

General forwarders, grade A, \$17.00 per week; general forwarders, grade B, \$15.50 per week; cutters, \$15.00 per week; lithograph cutters, \$16.00 per week; rulers, \$17.00 per week; finishers, gilders, stampers, \$18.00 per week; operator on Crawly rounder and backer, \$17.50 per week.

Time and a half for hours before or after the mutually agreed upon hours for beginning and stopping work. Men put on at night after working through the day shall be paid time and one-half up to midnight, and double time thereafter to the regular time for starting.

For work done on Sundays, and the following legal holidays, double time shall be paid: New Year's Day, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Fifty-four hours to constitute a week's work up to and including the thirty-first day of December, 1908. From January 1, 1909, to December 31, 1910, both inclusive, forty-eight hours shall constitute a week's work.

A part and parcel of this agreement is that there shall be, during its life, no strike or lockout, either sympathetic or otherwise.

In case of dispute the question shall be referred, as soon as practicable and within a week at the utmost, to a joint conference committee, composed of three each from the Typothetae of Buffalo and the Bookbinders' Local Union No. 17 for settlement, and in case of their inability to reach any agreement, the matter shall be arbitrated; one arbitrator to be chosen by the president of the Typothetae of Buffalo; the second by the president of Buffalo Bookbinders' Union No. 17, I. B. of B., and these two arbitrators so chosen shall together choose the third, and the findings of this board shall be final and observed by both parties. Such ruling by the conference committee or arbitrators must be consummated within three months of date of notice by either party.

For the Typothetae of Buffalo,

E. A. KENDRICK, *President.*

LANGDON B. CLARK, *Secretary.*

For Bookbinders' Local Union No. 17,

BERT FOX, *President.*

EDW. C. STREILE, *Secretary.*

BUREAU OF FACTORY INSPECTION.

Tables VI, VII and VIII of the Appendix contain the usual quarterly statistics of the work of the deputy factory inspectors, issuance of children's employment certificates in principal cities and licenses for manufacturing in tenement houses for the third quarter of 1907. In the September BULLETIN was begun a series of articles by the Chief Factory Inspector containing suggestions on the guarding of machinery for the benefit of deputy factory inspectors and manufacturers. This series is to be continued, but for the present number has been temporarily interrupted owing to the resignation on October 1st of the former Commissioner of Labor P. Tecumseh Sherman and the appointment as his successor of the former Chief Factory Inspector John Williams. Commissioner Williams' appointment was confirmed by the Senate on January 13th.

RECENT IMMIGRATION STATISTICS.

The annual report of the Commissioner-General of Immigration for the year ended June 30, 1907, shows the total number of aliens admitted to the United States during that year to have been 1,285,349, or 17 per cent more than in the preceding year when all previous records were surpassed. The quarterly statistics of immigration at the port of New York for July, August and September in this BULLETIN (see Appendix, Table V) show very little, if any, ebb in the flood of immigration for the first three months following the year covered by the Commissioner's report, the number admitted at New York in the third quarter of 1907 being very nearly 14 per cent greater than for the corresponding quarter of 1906.

Of the million and a quarter of aliens who, in the year ended June 30th last, came to take part in the industrial life of this country, 1,004,756 were admitted at the port of New York and 386,244, or 30 per cent, gave New York State as their destination. The occupations of these New York State immigrants were as follows:

OCCUPATION.	NUMBER OF IMMIGRANTS.
<i>Professional:</i>	
Actors	612
Architects	265
Clergy	327
Editors	81
Electricians	834
Engineers (professional)	1,482
Lawyers	217
Literary and scientific persons	365
Musicians	555
Officials (government)	163
Physicians	268
Sculptors and artists	491
Teachers	791
Other professional	652
Total	6,603
<i>Skilled:</i>	
Bakers	2,227
Barbers and hairdressers	2,146
Blacksmiths	2,146
Bookbinders	418
Brewers	177
Butchers	2,032
Cabinetmakers	492
Carpenters and joiners	8,542
Clerks and accountants	5,880
Dressmakers	5,273
Engineers (locomotive, marine and stationary)	413
Engravers	64
Furriers and fur workers	588
Gardeners	639
Hat and cap makers	476
Iron and steel workers	658

OCCUPATION.		NUMBER OF IMMIGRANTS.
<i>Skilled — (Continued) :</i>		
Jewelers		196
Locksmiths		1,804
Machinists		808
Mariners		3,468
Masons		4,215
Mechanics (not specified)		868
Metal workers (other than iron, steel and tin)		493
Millers		420
Milliners		538
Miners		1,252
Painters and glaziers		2,780
Photographers		245
Plasterers		558
Plumbers		291
Printers		676
Saddlers and harnessmakers		422
Seamstresses		2,859
Shipwrights		78
Shoemakers		5,863
Stokers		767
Stonecutters		714
Tailors		18,991
Tanners and curriers		280
Textile workers (not specified)		72
Tinners		956
Tobacco workers		576
Upholsterers		252
Watch and clock makers		525
Weavers and spinners		874
Wheelwrights		238
Woodworkers (not specified)		268
Other skilled		837
Total		<u>85,448</u>
Miscellaneous:		
Agents		415
Bankers		183
Draymen, hackmen and teamsters		387
Farm laborers		68,110
Farmers		2,559
Fishermen		207
Hotel keepers		144
Laborers		82,458
Manufacturers		256
Merchants and dealers		8,314
Servants		40,993
Other miscellaneous		3,288
Total		<u>205,254</u>
No occupation (including women and children)		<u>88,944</u>
Grand total		<u>886,244</u>

Of the alien immigrants admitted in the fiscal year 1907 nearly 68 per cent came from Austria-Hungary, Italy and Russia. These countries have for several years been the principal sources of immigration, but Austria-Hungary and Italy now appear to have changed places as first and second in importance. From 1901-1904 and in 1906 Italy contributed the largest number to the stream of immigrants. In 1905, however, the number from Austria-Hungary exceeded that from Italy and in 1907 Austria-Hungary by a heavy increase again took the first place. Russia has stood third since 1898, but with steadily increasing numbers.

The following figures show the numbers of immigrants coming from these principal sources, with increases in 1907:

	TOTAL ADMITTED.		Increases. 1907.
	1907.	1906	
Total immigration	1,285,349	1,100,735	184,614
Austria-Hungary	338,452	265,138	73,314
Italy	285,731	273,120	12,611
Russia	258,943	215,665	43,278

The proportion of males among immigrants is highest (79 per cent) among those from Italy, and lowest (66 per cent) among those from Russia, while among those from Austria-Hungary it is 70 per cent. Illiteracy is not shown in the Commissioner's report for immigrants by countries but only for races as in the quarterly statistics regularly published in these BULLETINS. But a careful comparison according to the races principally represented in the immigrants from each country would indicate that the Austro-Hungarians are less illiterate than the Italians. On the other hand there is a larger proportion of immigrants with skilled occupations among the Italians.

Of the total number of immigrants debarred in 1907 (13,064 as compared with 12,432 in 1906) 1,434 were refused admission as being contract laborers. Concerning the perennial problem connected with this subject the Commissioner speaks in part as follows:

"The difficulties attendant upon the administration of the law were described in the annual report for 1905 (pp. 44-46), and were again alluded to in the report for last year (p. 65). It was no easier of enforcement in 1907 than in the preceding years. In this connection the Bureau is hopeful of better results under the new act, which is drawn in terms much more certain than the old, especially the clause of section 2 thereof descriptive of what constitutes a 'contract laborer,' viz, a person who has been 'induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled.' This definition should, in the Bureau's judgment, set at rest all controversy as to whether the act of 1903 was sufficient in its terms to do more than exclude

aliens actually 'under contract' in the ordinary sense of the term — a view quite extensively entertained. If that view had been followed by the immigration officers during all of the four years of the existence of the act of 1903, comparatively few of this class of persons would have been excluded; for it is next to impossible, even in cases where a specific agreement actually exists, to obtain evidence of its existence. In fact, so thoroughly familiar are both aliens and those interested in violating this statute with the construction that has been placed upon it by the administrative officers that, beyond any question, many evasions have occurred. Great activity in this respect has been apparent during the past few months. Party after party of aliens has arrived at the large seaports, the members of which were not only traveling together, but were enlisted from the same localities in Europe, were destined to practically the same addresses in this country (usually in one of the large centers of labor employment), often carrying slips of paper or cards giving addresses of supposed relatives or friends written quite apparently by the same hand, yet when questioned these men were found to be quite ready with evasive or misleading replies to all questions calculated to develop that it was their intention to accept prearranged employment, and it was impossible to secure any direct evidence of the existence of an agreement or contract, or even of an assurance of work awaiting them; circumstantial evidence of varying degree is all that could be procured. * * *

"Altogether, the attempts to violate the law have been numerous and varied. Many of them have been frustrated, but, doubtless, in other instances where the plans of the importers were more unusual and less easily detected, the law has been violated with impunity.

"The provisions in the new act (sec. 24), allowing the expenditure of \$50,000 annually for the special purpose of enforcing the alien contract-labor laws, will, it is thought, be of incalculable benefit, and the Bureau will be much disappointed if, with the added facilities of investigation thus afforded, definite and valuable results are not attained. It will now be possible to devote more time and better talent to the investigation and remedying

of this important matter. So long as healthy, honest, industrious laborers, either unskilled or skilled, seek this country impelled by no other motive than a desire to better their condition, by availing themselves of a natural demand for their services, no one is entitled to complain, but the moment that the migration of any class of laborers is induced, encouraged, or assisted by the prospective employer, there is an encroachment upon that principle essential to the protection of our own institutions and standards of living and constituting the very marrow of the alien contract-labor legislation, which requires that preference shall be given by the employer to our own labor market in the selection of his employees and that a foreign source of supply shall be resorted to only in case of absolute necessity, and even then solely by the statutory means. This means is the proviso to section 2 of the immigration act reading:

And provided further, That skilled labor may be imported if labor of like kind unemployed cannot be found in this country.

"Circumstances occasionally arise under which it becomes necessary to accord the privilege of this proviso to employers of skilled labor. Such a case was one, known as the 'Lithographer's case,'* which has been somewhat widely noted and concerning which an erroneous impression has arisen in the minds of some.* * * * In considering this case, the Bureau followed its universal and well-defined policy of requiring the most convincing proofs whenever an effort is made to establish that certain aliens come within the exception to the contract-labor laws, for it believes, and has always maintained, that these special exceptions are to be strictly construed, and that no one is to be granted the privilege contemplated thereby in the absence of a wholly satisfactory showing.

"The most distressing branch of the alien contract-labor law violations is that which involves the use of what has come to be commonly called the 'padrone system'; for by this means not only is foreign labor introduced under contract or agreement, but often the laborers are mere boys and are practically enslaved by the padrones who effect their importation. This system is ap-

*A full account of this case and the decisions rendered on it may be found in an account of the lithographers' strike in the annual report of the Bureau of Mediation and Arbitration for 1906, p. 142, footnote.

plied principally to youths of the Italian and Greek races, the boys being placed at hard labor with long hours, under conditions wholly unsuited to their age, and subjected to a wage arrangement which amounts practically to a method of blackmailing—in other words, they are in effect owned by the men who advance the money and procure their immigration from Greece and Italy. At the suggestion of the Department there was incorporated in the new immigration bill (sec. 2) a provision intended to reach these cases, and the Bureau trusts that in the future it will be possible to prevent the importation of more of this class than in the past. At the date of this report several important prosecutions against alleged padrones are about to be instituted, based upon investigations conducted during the early summer, resulting in discoveries that tend to show wholesale violations of the law by certain firms of importers located in some of the large cities of the West.”

Concerning the general attitude of the Department of Commerce and Labor (of which the Bureau of Immigration and Naturalization is a part) the following is taken from extracts from the annual report of the Secretary of Commerce and Labor which are appended to the report of the Commissioner-General of Immigration:

“In this connection I cannot better illustrate my views in regard to some important phases of the contract-labor law than to set forth my decision of June 14, 1907, in a typical case affecting contract labor.

‘Referring to Commissioner Watchorn’s letter of June 12, containing the evidence submitted, the findings of the board, and his recommendation approving such findings, namely, that the appeal be dismissed, the subject has had my careful consideration. The contract-labor law, the act of February 26, 1885, entitled “An act to prohibit the importation and immigration of foreigners and aliens under contract to perform labor in the United States, its Territories, and the District of Columbia,” as amended by various acts as set forth in the Department’s publication, “Immigration Laws and Regulations of February, 1906,” had for its object, as clearly set forth in the acts referred to, the exclusion of aliens that come under contracts, expressly or implied.

These contracts in the very nature of things are usually, if not invariably, made so that the evidence is carefully concealed, and it requires very thorough investigation to unearth the existence of such contracts. In the execution of this law the Department has invariably considered all the surrounding circumstances, and has based its judgment as to the existence of such contract upon the evidence and circumstances thus adduced. The decision of the Attorney-General of March 20 was not intended to, and has not the effect of, curtailing or infringing upon the discretion vested by law in the Department in arriving at a determination and a decision whether such a contract as defined in the law exists in a particular case, and does not preclude the head of this Department from determining for himself from the evidence adduced the fact of the existence of such a contract. The testimony given by Milo Poznanovic and others leaves no doubt in my mind that such a contract as contemplated by the law was made, and that if the machinery of the immigration law permitted such an exhaustive investigation as is had in a court of law even an enforceable contract would, in my judgment, be disclosed. I am desirous of exercising my full powers, and the discretion vested in me by law, to put an end to the abuses of the contract-labor law and to discourage to the utmost within my powers the continuance of these contracts, and to protect the labor of this country in its full rights under the fair and reasonable construction of the meaning and spirit of the laws above referred to. I therefore approve the findings of the board of special inquiry upon the hearing and rehearing of this case, and dismiss the appeal.' ”

RANK OF NEW YORK STATE IN MANUFACTURES.

The Bureau has already published in the BULLETIN the main facts regarding the manufactures of New York as returned at the United States census of 1905* but some of the comparisons made in the census office's final report, Part I of which is devoted to the United States by industries, are of particular interest to citizens of this state, notably the Table showing the rank of the states and territories in 32 leading manufacturing industries in 1900 and in 1905. New York's rank is shown below:

INDUSTRY.	RANK IN —	
	1900.	1905.
1. Agricultural implements	3	2
2. Boots and shoes.....	2	2
3. Carriages and wagons.....	3	3
4. Cheese, butter and condensed milk.....	1	1
5. Clay products ¹	4	5
6. Clothing, men's	1	1
7. Clothing, women's	1	1
8. Confectionery	1	1
9. Cotton goods	10	11
10. Dyeing and finishing textiles.....	5	5
11. Electrical machinery, apparatus and supplies.....	1	1
12. Fertilizers	7	11
13. Flour and grist mill products.....	2	2
14. Food preparations	1	1
15. Furniture	1	1
16. Glass	6	7
17. Hosiery and knit goods.....	1	1
18. Iron and steel ²	8	4
19. Jewelry	3	2
20. Leather, tanned, curried and finished.....	3	4
21. Liquors, distilled	8	5
22. Liquors, malt	1	1
23. Lumber and timber products.....	13	14
24. Lumber, planing mill products, including sash, doors and blinds.....	1	1
25. Oil, cottonseed, and cake.....	.....	.....
26. Paper and wood pulp.....	1	1
27. Petroleum, refining	3	3
28. Slaughtering and meat packing, wholesale.....	8	10
29. Tobacco, cigars and cigarettes.....	1	1
30. Turpentine and rosin.....	.....	.....
31. Woolen goods	6	7
32. Worsted goods	5	5

At both censuses the state ranked first in cheese, butter and condensed milk; clothing, men's; clothing, women's; confectionery; electrical machinery, apparatus, and supplies; food preparations; furniture; hosiery and knit goods; liquors, malt; lumber, planing mill products, including sash, doors, and blinds; paper

*BULLETIN No. 30, September, 1906, pages 430-3; No. 31, December, 1906, pages 498-504, 580-1.

¹ Includes "brick and tile" and "pottery, terra cotta, and fire clay products."
² Includes "iron and steel, blast furnaces," and "iron and steel, steel works and rolling mills."

and wood pulp; and tobacco, cigars and cigarettes. It was second in rank in boots and shoes, and in flour and grist mill products; third in carriages and wagons and in petroleum refining; and fifth in dyeing and finishing textiles, and in worsted goods. From 1900 to 1905 it advanced from third rank to second in agricultural implements, and in jewelry; from eighth to fourth in iron and steel, and to fifth in liquors, distilled; but dropped from third to fourth place in leather, tanned, curried, and finished; and from fourth to fifth in clay products (page ccx).

DECISIONS OF NEW YORK COURTS.

Suit for Wages Under Trade Agreement.

Plaintiff, a member of a trade union, sues to recover wages for overtime work while in defendant's employ during the years 1900 and 1901. Two contracts were made between defendant and the local union of which plaintiff was a member, the first being in force from April 16, 1900, to May 1, 1901, and the second from May 1, 1901, to May 1, 1902. The plaintiff claimed it was agreed that ten hours should constitute a day's work for his kind of services for both the first and second years, but upon the production on the trial of the contract for the second year it appeared that twelve hours constituted a day's work for the class of workmen to which the plaintiff belonged. The plaintiff admitted upon the trial that if twelve hours were required to make a day's work he had failed in many instances during the second year's services to work a full day's work for which he had received a full day's pay, and the trial court thereupon ruled that the plaintiff was not entitled to recover anything for the second year, the plaintiff admitting that he had been paid for all services except the overtime. The defendant, however, insisted that the time for which the plaintiff had been overpaid should have been allowed against the time for extra work during the first year's services. The trial court refused to adopt that view, or to submit any question arising out of the second year's services, holding that it was not competent under the defendant's answer, which is a general denial (except defendant's incorporation), and allegations of settlement and payment.

From this ruling of the trial court the defendant appealed and the Fourth Appellate Department sustained the appeal, reversing the decision and ordering a new trial. It was held "that the trial court erred in excluding the testimony showing what time during the second year the plaintiff failed to work a full day's work of twelve hours for which he had received a full day's pay, and in refusing to permit the jury to consider such evidence in reduction or extinguishment of the plaintiff's apparent claim for overtime work done during the first year." It was also held to

be competent to show by verbal evidence that defendant recognized plaintiff was working for it under the terms of the union contract.—*Keysaw v. Dotterweich Brewing Co.*, 121 App. Div. 58.

Validity of Rules as to Sick Benefits of Voluntary Association.

A decision of interest to trade unions or benevolent societies maintaining sickness or funeral benefits was handed down by the Supreme Court at the Appellate Term in June, 1907. A member of a voluntary benevolent association sued to recover benefits which were withheld by virtue of an amendment to the by-laws of the association. This amendment plaintiff held to be unreasonable and therefore void and sought to have the courts set it aside. The findings of the court, as summarized by the official reporter, follow:

“The constitution and by-laws of a purely voluntary association which provides for the payment of sick and funeral benefits to its members, constitute the contract between them; and, if not illegal, immoral or contrary to public policy, they must be upheld, whether reasonable or not.

“An amendment to the by-laws of such an association, adopted at a stated meeting at which many of the members were present and by many more votes than were required to make it valid, will be presumed to have been regularly proposed by a member in good standing as required by the by-laws.

“Where such an association has the power to amend its by-laws the right of a member to sick benefits is subject to change or modification as to the conditions upon which they shall be paid.—*Maxwell v. Theatrical Mechanical Assn.*, 54 Misc. 619.

Employers' Liability.

LIABILITY ACT OF 1902.

I. An ironworker employed by the Lackawanna Steel Co., while at work was injured by falling through a defective flooring. This defect was caused by a couple of boards being removed from the flooring which act was performed by a workman under the direction of defendant's foreman and by particular direction of the foreman the boards were not replaced. Suit was brought and

damages amounting to \$5,500 recovered. On appeal the Fourth Appellate Department affirmed the award, holding that a foreman in a steel mill, having authority over from ten to fifty men and authorized by the master to superintend, carry on and direct their work, is exercising superintendence within the meaning of the Employers' Liability Act. When such foreman, overseeing the construction of a steel floor, orders a workman to remove planking from an opening therein and not to replace the plank, through which opening the plaintiff fell, it is an act of superintendence within the Employers' Liability Act, for which the master is responsible. The master is not absolved from liability because the foreman disobeyed instructions in leaving the hole uncovered, if it were within the scope of his authority to direct the removal of the planks. An employee engaged in the construction of said floor who during the night when the place is dimly lighted leaves his work to cross the floor in search of a tool and falls into the opening temporarily uncovered, is not guilty of contributory negligence if he did not know that the opening was uncovered and there was nothing to put him upon his guard.—*Heffron v. Lackawanna Steel Co.*, 121 App. Div. 35.

II. In interpreting the common law rule requiring an employer to furnish a safe place to work, the New York Courts have raised a distinction between places already prepared and those in process of construction. For instance, in the case of *Citrone v. O'Rourke Engineering Co.* [BULLETIN 1907 p. 188], a laborer constructing a trench cannot recover for injury as the danger was due to the manner in which the trench was constructed. But under the Employers' Liability Act there may be negligence in such cases due to the negligence of foremen or superintendents to exercise due care in conducting the work. The present case involved the latter question, and the First Appellate Department unanimously reversed a verdict for \$10,000 damages where an employee, who, while engaged in shoring up the roof of a tunnel and removing columns which were to be moved forward as the work progressed and replaced by timbers, was killed by the falling of the roof, but the evidence showed that the foreman had examined the tunnel before the removal of the columns and believed it to be safe and had con-

sulted plaintiff's intestate on that question who believed it to be safe. So long as the foreman under such circumstances honestly believed it to be safe negligence could not be charged.— *Bertolami v. United Engineering and Contracting Co.*, 120 App. Div. 192.

III. Appeal from a verdict for \$5,000 damages resulted in a decision in the First Appellate Department thus summarized by the reporter:

"The plaintiff engaged in holding a hand drill while it was being struck by a fellow-servant was injured in the eye by a splinter flying from the upper end of the drill which was burred or 'mushroomed' by use. The plaintiff was used to the employment, and had selected the drill, which was made of proper materials and purchased from reputable manufacturers. The plaintiff's fellow-servant had been directed by the defendant's foreman to work faster, and in doing so struck a glancing blow on the drill causing the splinter to fly off.

"A verdict for the plaintiff based on a finding that he did not assume the risk of using the drill was against the weight of evidence;

"Although in an action under the Employers' Liability Act the assumption of risk is a question for the jury, still their verdict may be set aside if against the weight of evidence;

"The fact that the head of the drill was burred did not make it a defective tool, it being shown that the head of such drill must necessarily be made soft, or it would splinter when struck;

"It was not negligence on the part of the foreman to direct the plaintiff and his fellow-workmen to hurry their work."— *Kellogg v. New York Edison Co.*, 120 App. Div. 410.

IV. This case involved the question of what constitutes "superintendence" where a person is employed to work with his hands as well as to exercise superintendence, it being necessary in such cases, according to the courts, to draw the line somewhere between what are acts of superintendence and what are acts of manual labor, the master being liable only for the negligence of the superintendent for such acts as are of superintendence.

A coal wagon driver recovered damages for injuries received while in defendant's employ. The second Appellate Department, however, reversed judgment. It was held, first, that although

plaintiff served notice of time, place and cause of the action before the expiration of the 120 days required by the statute, he was not entitled to the benefits of the statute since the service of the notice did not precede the service of a summons and complaint in the action. Secondly, the injuries were received by the tail board of the coal wagon being slammed down on plaintiff's hand. Although this action was done by one performing at times the duties of superintendent, this particular action was held by the Appellate Department to be the action of a fellow servant and, therefore, defendant was not liable.—*Hope v. Scranton & Lehigh Coal Co.*, 120 App. Div. 595.

V. The plaintiff while working for the defendant in a subway in the city of New York and while engaged in company with fellow-servants in raising the roof of the subway with hydraulic jacks was injured by a fall of material. The following letter was sent to the employer by plaintiff's attorneys:

"GENTLEMEN.—Take notice that on the 22nd day of July, 1903, Joseph Ortolano, while in your employ, sustained severe injuries to his person, including a severe cut on the left hand, while working at or near the corner of 42nd street and Madison avenue, New York City, Borough of Manhattan, which he claims resulted from your negligence in not providing a proper and suitable place for him to work."

This was held to be insufficient notice that an action was to be based on the Employers' Liability Act inasmuch as no mention is made of that statute and that the cause of the injury is insufficiently alleged.

A judgment of \$900 granted by the City Court of the City of New York and affirmed by the Appellate Term of the Supreme Court was reversed by the First Appellate Department, it being held that the evidence failed to bring the case within the Employers' Liability Act or to make out a case of negligence at common law.—*Ortolano v. Degnon Contracting Co.*, 120 App. Div. 59.

VI. Plaintiff, a machinist, appealed from a non-suit in a damage case growing out of injuries received by him in defendant's shop and the Supreme Court at the Onondaga Trial Term in August, 1907, reversed the non-suit and granted a new trial. The reporter's headnote follows:

"Where plaintiff and six other employees of defendant, a domestic manufacturing corporation operating a foundry, while engaged in lowering by hand a heavy casting known as a flask, about five and one-half feet long, four and one-half feet wide and eight inches thick, from a position where it rested on one of its eight inch sides to a position where it would lie flat, under the direction of the boss or foreman of the machine shop who superintended the work of the men employed therein, objected to performing the work and stated that it should be lowered in the customary and proper way by the use of a crane, but, the crane being temporarily in use, the foreman directed them to lower the flask by hand, and the flask, in falling, because too heavy for the men to hold, crushed one of plaintiff's legs and the plaintiff brought this action under the Employers' Liability Act (L. 1902, ch. 600) for his injuries, the question whether plaintiff's injuries were due to the negligence of the foreman in the performance of an act of superintendence should be submitted to the jury, as, since the adoption of said act, superintendence has been added to the category of the master's duties."—*Ozogar v. Pierce, Butler and Pierce Mfg. Co.*, 55 Misc. 579.

Illegal Employment of Children—Liability for Negligence.

The question of whether the employment of a child between fourteen and sixteen years of age without an employment certificate is evidence of negligence on the part of the employer in case of injury to the child came before the Fourth Appellate Department in May, 1907, and by vote of three to two was decided in the affirmative. At the trial the court refused to permit the jury to consider the absence of the employment certificate as bearing upon the negligence of the employer. This the Appellate Division holds was error, the pertinent portion of the decision being as follows:

"But we think it was also competent for the jury to take into consideration, as bearing upon the question of defendant's negligence, the fact that the plaintiff was employed by it without having obtained and filed an employment certificate as required by the statute. (*Sitts v. Waiontha Knitting Co., Ltd.*, 94 App. Div. 38; *Dragotto v. Plunkett*, 113 id. 648.)

"In the case of *Marino v. Lehmaier* (173 N. Y. 530) it was held that where a child under the age of fourteen years is employed in a factory, in case of injury to such child the bare fact of such employment is in and of itself some evidence of negligence on the part of the employer, because such employment was in violation of the statute. So in the case at bar, the employment of a child between the ages of fourteen and sixteen years without having obtained and filed with the employer an employment certificate, is equally in violation of law, and we can discover no distinction between the two cases. We think it was permissible for the jury to have taken into consideration, as bearing upon the defendant's negligence, the fact that the plaintiff was employed by the defendant when she had not obtained and filed the certificate required by the statute.

"We conclude that for this error the judgment and order appealed from should be reversed and a new trial granted, with costs to the appellant to abide event."—*Kenyon v. Sanford Manufacturing Co.*, 119 App. Div. 570.

Section 18 of the Labor Law.

Section 18 of the Labor Law, better known as the "life and limb" law, provides that an employer shall not furnish to his employees scaffolding, hoists, stays, ladders, or mechanical contrivances which are unsafe, unsuitable or improper. Three concrete workers while standing on a box furnished by defendant, were injured by the breaking of the box which, it was alleged, was defective. The Municipal Court of the City of New York rendered judgment in favor of plaintiffs and the Supreme Court at the Appellate Term in June, 1907, affirmed the award, holding that while plaintiffs had no cause of action under the common law, section 18 of the Labor Law was broad enough to cover the case and the box was a "mechanical contrivance" within the meaning of the statute.—*Michael v. Standard Concrete Steel Co.*, 55 Misc. 255.

Cases Under the Common Law of Negligence.

I. Following the rule laid down by the Court of Appeals in the case of *Rice v. Eureka Paper Co.* [BULLETIN, 1903, p. 186]

that where a master makes a promise to repair defective machinery, he, and not the servant assumes the risk between the time of the promise and the time for its fulfillment and for a reasonable length of time afterward, the Second Appellate Department unanimously affirmed an award of \$3,000 damages granted for injuries received by plaintiff while in defendant's employ.

Plaintiff was engaged in operating a buzz saw. He complained to defendant's principal foreman that it "wobbled" and on foreman's promise to repair the defect returned to work but before any repairs were made plaintiff received the injuries complained of. On the trial defendant alleged contributory negligence but the Appellate Department ruled that the contributory negligence was not a matter of law but was a question of fact for the jury.— *Reich v. Iron Clad Manufacturing Co.*, 120 App Div. 445.

II. The Fourth Appellate Department unanimously affirmed a non-suit in a case summarized by the reporter thus:

"A blow-off cock of a locomotive situated below the boiler and worked by lever and rod extending up to the running board, from which place it is necessary to operate it to blow sediment from the boiler, is not a defective appliance although not closed by a plug or cap. With such a plug it would be necessary to go under the engine to operate the cock.

"An employee who has worked for two years in a locomotive plant will be assumed to have acquired knowledge of locomotives and that steam will escape from a locomotive boiler if the blow-off cock is opened, and when such employee has been killed by steam escaping from such stopcock, which was opened in a manner unexplained, the question of the master's negligence in failing to instruct as to this danger should not be submitted to the jury.

"When under the evidence the only explanation of the accident is that the employee himself accidentally opened the stopcock while working in close proximity to it, a recovery cannot be based upon the failure of the master to promulgate rules prohibiting the opening of the stopcock without ascertaining that no one is at work under the engine. Such rule would not have prevented the em-

ployee himself from accidentally moving the lever.”—*Kelly v. American Locomotive Co.*, 121 *App. Div.* 81.

III. In reversing a judgment for plaintiff of \$2,250 the Second Appellate Department ruled unanimously that one employed in a sugar refinery to give signals at night, who, during a time when the electric lights are temporarily extinguished, attempts to cross a room where he knows that vats containing revolving rollers are in operation, assumes the risk of falling into the vat, and cannot recover for injuries so received.—*Krug v. American Sugar Refining Co.*, 120 *App. Div.* 537.

IV. Reversing a judgment for \$5,000 damages the First Appellate Division held, as summarized by the reporter that “One employed on a subway railroad who does not avail himself of a safe method of crossing the track provided by the master, but jumps upon the track in front of an approaching train which he could have seen had he looked, is guilty of contributory negligence.

“The negligence of the master cannot be predicated upon its failure to furnish the employee with a lamp so that he could be seen by the motorman, when the evidence shows that he was in fact seen by the motorman. Under such circumstances a lantern would not have prevented the accident.”—*Kupec v. Interborough Rapid Transit Co.*, 120 *App. Div.* 166.

V. While being lowered into a mine an employee received fatal injuries from the parting of the cable and dropping of the bucket, for which a jury awarded \$4,500 damages. This award was set aside by the Fourth Appellate Division in January, 1904, on the ground that the verdict was contrary to the evidence. A retrial before a jury in January, 1906, resulted in the same verdict which, in this case, was upheld by the Appellate Division in May, 1907. “The law of the case,” says the prevailing opinion, one justice dissenting, “as held by this court upon the first appeal, and as the jury were instructed upon the last trial, was that the plaintiff, in order to charge the defendant with negligence, causing the death, must prove * * * not only that the cable broke, but that it was the result of defects in the cable itself, causing it to separate, and not the result of a blow from the billy upon a reasonably sound cable,” the billy being a heavy construction above the bucket that ran down the shaft on guides

fastened on opposite sides thereof. This issue the Appellate Department found had not been met by the plaintiff on the first trial, but had met it on the second.— *Owen v. Retsof Mining Co.*, 119 *App. Div.* 618.

VI. A judgment for plaintiff on a verdict of \$1,500 damages was unanimously reversed in the First Appellate Department. The reporter summarizes the case thus:

“The plaintiff, in the employ of one contracting for the iron work of a building, was injured by the servant of a contractor erecting the brick work, who dumped a hod of bricks upon a scaffold in such a manner that a brick fell off and hit the plaintiff, who was engaged in selecting some iron beams beneath. Neither the plaintiff nor others habitually worked under the scaffold, though it appeared that he called out to the masons to stop work while he was there. There was no proof that the hodcarrier heard the call or knew that the plaintiff was at work under the scaffold.

“*Held*, that the plaintiff was not entitled to recover, where he failed to prove knowledge on the part of the contractor or such a situation as to show that he ought to have had knowledge that some one was or was likely to be underneath the scaffold and liable to be injured by falling brick;

“That it was error to charge that the jury could predicate negligence upon the failure of the defendant to use planks of equal length in constructing the scaffold, as there was no obligation to construct this scaffolding so that material could not fall off or through it unless men were customarily at work beneath or likely to pass under it.”— *Choyce v. Hopper & Son*, 120 *App. Div.* 177.

RECENT LABOR REPORTS.

UNITED STATES.

Twenty-first annual report of the Commissioner of Labor, 1906: Strikes and lockouts. Chas. P. Neill, commissioner, Washington, 1907, 779 pages.

Contents: Chapter I, Introduction and discussion (of labor disputes in period 1881-1905), pages 9-104; II, Explanation of tables, pages 105-118; III, General tables I-XX, pages 119-773; IV, Strikes and lockouts in foreign countries, pages 775-916; V, The law relating to strikes, blacklisting, boycotting, etc., pages 917-960. The body of the report is devoted to the period 1901-5, to which are added summarized data for the years 1881-1900 covered in previous reports.

ILLINOIS.

Twenty-fifth annual coal report of the Illinois Bureau of Labor Statistics, 1906; also the eight annual report of the Illinois free employment offices, for the year ended September 30, 1906. David Ross, secretary, Springfield, 1907, pages xxii, 418+87.

MASSACHUSETTS.

Thirty-seventh annual report of the Bureau of Statistics of Labor (1906). Chas. F. Pidgin, chief, Boston, January, 1907, pages xxx, 664.

Contents: Introduction, Annual report of the chief on the operations of the Bureau, 30 pages; Part I, the apprenticeship system, pages 1-86; II, Trained and supplemental employees for domestic service, pages 87-124; III, The incorporation of trade unions, pages 125-244; IV, Statistics of manufactures, 1904 and 1905, pages 245-328; V, Labor Laws of Massachusetts, pages 329-388; VI, Labor and industrial chronology, pages 389-644; index, pp. 645-664.

Labor Bulletin issued by the Bureau of Statistics of Labor, edited by Charles F. Gettemy, chief of bureau, Nos. 51, 52, and 53 (September, October and November, 1907).

Contents of No. 51: Editorial review [of current affairs, state, national and international, of interest to labor]; George E. McNeill, a memorial; standard length of cotton print cloth cuts; trade union directory [the sixth directory published by the Bureau, containing the name, location, and name and address of the secretary of 1,467 unions in Massachusetts].

Contents of No. 52: Editorial review; social statistics — acute diseases; workmen's compensation acts; the industrial world [labor news of all lands extracted from publications of other bureaus].

Contents of No. 53: Editorial review; social statistics No. 3 — chronic diseases; shipbuilding in Massachusetts; recent court decisions affecting labor; Massachusetts monthly statistical reports (immigration at the Port of Boston, railway accidents in Massachusetts, receipts of milk at Boston, returns of free employment offices in Massachusetts); the industrial world.

PENNSYLVANIA.

Thirty-fourth annual report of the Bureau of Industrial Statistics, 1906 (being Part III of the annual report of the Secretary of Internal Affairs). John L. Rockey, chief of bureau. Harrisburg, 1907, 287 pages (cloth).

Contains more or less fully for each of 71 different industries separately, statistics of manufactures (number of establishments, capital invested,

product, wages paid, employees, days in operation, and yearly and daily earnings), a "labor supplement" (a statistical summary of employees, their number, nationality, number owning their own homes, average rent per annum, average number of working hours per week and number affected by strike or lockout), dates and causes of strikes and lockouts, causes of idleness of plants, comments on trade conditions, and number of accidents. The statistics of manufactures are recapitulated by industries on pages 266 to 269. Pages 270 to 273 give by industries the numbers employed, aggregate, average yearly and average daily wages for males, females and minors separately.

VIRGINIA.

Tenth annual report of the Bureau of Labor and Industrial Statistics for the State of Virginia, 1907. James B. Doherty, commissioner. Richmond, 1907, 329 pages.

Contains statistics of manufactures and wages (pages 7-232), report of the special agent on inspection of factories and investigations touching child labor (pages 233-7), recommendations and reports of labor organizations as to needed legislation and wages and hours (pages 238-240), remarks on conciliation and arbitration (pages 241-3), and a compilation of United States laws relating to employment of children, mainly a reprint of the compilation in Bulletin No. 62 of the United States Bureau of Labor (pages 244-329).

FOREIGN COUNTRIES.

AUSTRALIA.

The industrial arbitration reports and records, New South Wales (published under the direction of the honorable, the attorney-general). Vol. VI (1907), part 2. Sydney, 1907.

Sixth annual return and report of proceedings under the Industrial Conciliation and Arbitration Act, 1902, by the registrar of friendly societies. Report for the year ended 31st December, 1906. Perth (Western Australia), 1907, 29 pages (paper).

Summarizes the work accomplished under the compulsory arbitration law of Western Australia in 1906 and during the six years, 1901-6, since the law went into effect. Does not contain particulars of proceedings or awards in the arbitration court, these being published separately in annual Reports of Proceedings of the Court of Arbitration.

AUSTRIA.

Lead poisoning. (Bleivergiftungen in hüttenmännischen und gewerblichen Betrieben. Ursachen und Bekämpfung. VI. Teil. Protokoll über die Expertise, betreffend die Farbenfabriken und die Betriebe mit Anstreicher-, Lackierer- und Malerarbeiten.). Austrian bureau of labor statistics, Vienna, 1907. xii+55 pages, (quarto).

This is No. 6 of the series of publications on lead poisoning issued by the Austrian bureau of labor, and contains answers of experts to questions concerning the manufacturing of lead containing colors, the execution of painting and varnishing work, workmen's clothing and baths, medical service for working people, etc.

BELGIUM.

Conseil supérieur du travail, huitième session, 1906-7, fascicule II: Repos du dimanche. Bruxelles, 1907, pages 235 (paper, quarto).

This report of the Higher Council of Labor is concerned with the question of Sunday rest, with particular reference to the requests for exemption from the law of 17 July, 1905.

Annuaire de la législation du travail; publié par l'Office du Travail de Belgique; Tables décennales des volumes I à X (1897-1906). Bruxelles, 1907, 164 pages (paper covers).

An index to the first ten volumes of the year book of labor laws published by the Belgian bureau of labor. In addition to the analytical index there is a geographical index, in which the references to the statutes of each country are arranged in chronological order.

Rapport relatif à l'exécution de la loi du 31 Mars 1898 sur les unions professionnelles pendant les années 1902-1904. Office du Travail, Bruxelles, 1907, pages civ, 368 (unbound).

A relatively small number of trade unions, mostly agricultural, are registered under the law of 1898 to which this report is devoted in continuation of the plan followed in an earlier report which covered the years 1898 to 1901.

GERMANY.

Erhebung ueber die Arbeitszeit im Binnenschiffahrtsgewerbe. Drucksachen des Kaiserlichen Statistischen Amts, Abteilung für Arbeiterstatistik, Erhebungen Nr. 7. Berlin, 1907. 87 pages.

Inquiry concerning the hours of labor of inland marine navigation employees. The report covers the questions of duration of navigation of steam and sail boats, night and Sunday work, hours of labor during travel and while loading and unloading. A limited number of cases are reported where actual continuous work is performed for more than 24 consecutive hours, and this happens oftener with sailing vessels than with steamers.

Erhebung ueber die Arbeitszeit der in Plattanstanlen und in nicht als Fabriken oder Werkstätten mit Motorbetrieb anzusehenden Waschanstanlen beschäftigten Personen. Drucksachen des Kaiserlichen Statistischen Amtes, Abteilung für Arbeiterstatistik, Erhebungen Nr. 4, Berlin, 1907, 88*+256 pp.

Inquiry by the Division of Labor Statistics concerning the hours of work that prevail in hand-laundries. The report is based on returns from employers and from employees. Of each hundred persons working for six days of the week in which the inquiry was made (Oct., 1905), of those employed in ironing, or in ironing and washing, 43.6 worked from 48 to 60 hours; 36.7 worked from 60-66 hours; 12.5 worked from 66-72 hours, excluding time for meals or rest; of each hundred employed in washing alone, 41.4 worked from 48 to 60; 41.8 worked from 60-66; 13.2 worked from 66-72, excluding time for meals or rest. The number of employees varies greatly from one season to another, being largely reduced in winter, while a certain proportion of employees work part of the day or part of the week only.

Erhebung über die Arbeitszeit der Gehilfen und Lehrlinge im Fleischer-gewerbe. Zweiter Teil. Drucksachen des Kaiserlichen Statistischen Amtes, Abteilung für Arbeiterstatistik, Erhebungen Nr. 5, Berlin, 1907, 103 pages.

Second part of the report on hours of labor of apprentices and employees in the meat trade (the first part was published in 1903). The report is based

on returns from employers' associations and employees' unions. To the query whether the prevailing working time is so long as to work injury to the health, morals or family life of employees, the employers' associations almost uniformly answered no, and the employees' unions yes. Sick benefit returns from 42 unions show an average of 5.27 days of sickness per male member in 1903, and 32.5 cases of sickness for each hundred members.

GREAT BRITAIN.

Report on changes in rates of wages and hours of labor in the United Kingdom in 1906, with comparative statistics for 1897-1905. Board of Trade (Labor Department), London, 1907 (ed. 3713) 181 pages.

The fourteenth in the series of annual reports on the same subject. "The upward tendency in wages which commenced in the second half of 1905 continued throughout 1906, showing, for the first time since 1900, a total net increase in wages as compared with the preceding year." The considerable net increase for 1906 was due principally to advances in the coal mining industry, but there were net advances in all of the principal groups of trades except building and quarrying. The report notes that for the first six months of 1907 wages have shown a greatly accelerated upward movement and that net increases had been reported in all groups of trades. Changes in hours of work in 1906 showed the largest net reduction since 1902.

Preliminary tables (subject to correction) of the administration by local authorities in 1906 of the homework provisions of the Factory and Workshop Act, 1901, based on reports received on or before 1st October, 1907. Factory Department, Home Office.

Shows by industries and localities the number of lists (16,390) received from employers who give out work to be done outside of their factories or shops, the number of inspections of outworkers' premises made (76,519), number of prosecutions for failure to keep or file lists (171), cases of outwork found in unwholesome premises (1,201 in connection with which 816 notices to send no more work to such places were issued and 3 prosecutions for violations of such notice occurred), cases of infectious diseases found in outworkers' premises (1,952 in connection with which 334 orders to send no work to such places were issued), and the total number of outworkers reported on lists received (101,945).

Report on strikes and lockouts and on conciliation and arbitration boards in the United Kingdom in 1906. Board of Trade (Labor Department), London, 1907 (ed. 3711), 152 pages.

The nineteenth annual report in the series begun in 1888. "The year 1906 was not so free from industrial disturbance as other recent years." "The year was one of improving employment, and was accompanied, as is frequently the case, by an increase in the proportion of workpeople who struck work to obtain an increase in wages." "Disputes as to hours of labor affected more than twice the number reported in the previous year." "In the case of disputes arising out of questions of trade union principle, the figures for 1906 are the highest on record." The report contains comparative figures for the years 1902 to 5.

Eleventh abstract of labor statistics of the United Kingdom, 1905-1906. Board of Trade (Labor Department). London, 1907, pages xvii+256 (paper).

According to the introductory note the tables in this report "summarize the latest available information which has been collected by the Labor Department of the Board of Trade, or which is embodied in various official publications by other Departments, on the principal matters relating to the condition of the working classes. The statistics relate to the following among other subjects: Wages and Hours of Labour; Fluctuations in Employment; Strikes and Lock-outs; Work of Conciliation and Arbitration Boards; Employers' Associations, Workmen's Trade Unions and Co-operative Societies; Prices of Raw Materials and of Articles of Food. Other Tables deal with Production and Consumption; Profit-sharing; Diseases of Occupations and Industrial Accidents; Friendly Societies, Building Societies and Savings Banks; Population and Vital Statistics; Housing; Occupations of the Industrial Population; Pauperism; Labour Bureaux; and other subjects. The following Tables appear in this Abstract for the first time: Index Numbers of Employment, 1860-1906; Production of Beer, 1892-1906; Production of Spirits, 1892-1906; Number and Value of Inhabited Houses, 1891-1905; Consumption of Coal, Iron, Cotton, etc., in the United Kingdom, 1892-1906; Consumption of Coffee, Tea, Sugar, Tobacco, Beer, etc., 1892-1906; General Course of Wages, 1874-1906; Retail Prices of Food in London, 1892-1906; Retail Prices of Bread in London, etc., 1892-1906; Cost, etc., of Food in Urban Working Class Families, 1904; Proportion of Persons employed in certain occupations, 1891 and 1901."

ITALY.

Statistica degli scioperi avvenuti in Italia nell'anno 1904. Ufficio del Lavoro, Series B, No. 16. Roma, 1907, 317 pp. (paper).

A statistical account of strikes in Italy in the year 1904. Of 630 industrial disputes involving 118,356 workmen, 141 terminated entirely in favor of workmen, 220 entirely in favor of employers, the rest were compromised. Of 208 agricultural strikes involving 94,756 agricultural laborers, 62 strikes with 25,757 men were completely successful, 66 strikes with 32,695 workers failed completely and the rest were compromised.

NETHERLANDS.

Werkstakingen en uitsluitingen in Nederland gedurende 1906. Bijdragen tot de Statistiek van Nederland, nieuwe volgrees LXXXV, uitgegeven door het Centraal Bureau voor de Statistiek. s'Gravenhage, 1907, pages LXXV+110 (paper).

This is the sixth in the series of annual reports on strikes and lockouts published by the Central Bureau of Statistics of The Netherlands beginning with the year 1901.

NEW ZEALAND.

Sixteenth annual report of the Department of Labor (for year ended March 31, 1907). Edward Tregear, secretary, Wellington, 1907, pages xl, 102 quarto (paper covered).

The report covers somewhat broader ground than most American reports, as it includes the subjects of compulsory arbitration, registration of industrial unions, assistance of the unemployed, factory inspection, mercantile inspection (hours of work in shops and offices), etc. Since the arbitration

law went into effect ten years ago the number of employees of factories has increased from 32,387 to 75,310, the gain in the past year having been 4,907. The three principal industries are saw-milling and wood-working, tailoring, and dress-making. The number of employers' unions registered under the arbitration act was 109, of workmen's unions 274, with an aggregate membership of 34,978,—an increase of 5,000 in the past year.

NORWAY.

Arbeidskonflikter i Norge 1903-6; Særtryk af "Arbeidsmarkedet" udgivet af det Statistiske Centralbureau, 1906, Nr. 10-12. Kristiania, 1907, pages 20 (paper).

This brief report on labor disputes in 1903-6 contains a résumé in the French language and French translations are given in many of the captions and headings of columns in tables.

Arbeidsledigheds-Taellinger 1905 og 1906. Udgivet af det Statistiske Centralbureau, Kristiania, 1907, pages 32, 24 (paper covered).

The sixth number in the Norwegian bureau's series on social statistics contains results of the enumeration of the unemployed taken in certain cities of Norway in 1905 or 1906. The fifth number, also issued this year, is a report on illegitimate and abandoned children.

Socialstatistik VII. Arbeids—og Lønningsforhol ved sagbrug og hovlerier. Central statistical bureau, Christiania, 1907, 63 pp. text + 96 pp. tables (paper).

Contains the results of a government investigation into conditions of workmen in saw and planing mills. It covers the subject of wages, hours of labor, methods of payment of wages, employment and unemployment, accidents, and changes in the rate of wages. The average daily wage of saw and planing mill workers in Norway has risen since 1892 from 10 to 25 per cent according to branches of work.

SPAIN.

Bibliografía de revistas. Artículos sobre cuestiones sociales publicados en 1906. Año I. Instituto de Reformas Sociales, Madrid, 1907, pages xii+85.

The first number (1906) of an annual bibliography of articles on economic and social questions in Spanish and foreign periodicals, principally government bulletins and economic and sociological journals, received by the library of the Spanish Bureau of Social Reforms, which corresponds to the American Bureaus of Labor Statistics. The list of periodicals covered includes over sixty for Spain. The list for this country includes the bulletins of the United States, Massachusetts and New York Bureaus of Labor, the American Journal of Sociology, Annals of the American Academy of Political and Social Sciences, Quarterly Journal of Economics and Cosmopolitan Magazine.

APPENDIX.

STATISTICAL TABLES.

- I. Employment and earnings of organized wage workers in third quarter (July, August and September), 1907: (a) Males. (h) Females.
- II. Causes of idleness among organized wage workers at the end of September, 1907.
- III. Number and membership of labor organizations in the state and in the principal cities, September 30, 1907.
- IV. Statistics of building operations in the principal cities (July to September, 1907):
 - (a) New York City.
 - (b) Buffalo, Rochester, Syracuse and Troy.
- V. Immigration at the port of New York in the third quarter of 1907.
- VI. Record of the Deputy Factory Inspectors, third quarter, 1907.
- VII. Children's employment certificates issued by health authorities in first and second class cities (third quarter, 1907).
- VIII. Licenses issued for manufacturing in tenements (July to September, 1907).
- IX. Accidents reported in factories, mines and tunnels (third quarter, 1907):
 - (a) Age and sex of persons injured.
 - (b) Causes and results of accidents.
- X. Idleness among organized wage workers in representative unions in New York City at the end of December:
 - (a) 1907.
 - (b) 1906.

TABLE I.—EMPLOYMENT AND EARNINGS OF ORGANIZED WAGE WORKERS IN

INDUSTRIES OR GROUPS OF TRADES.	Number of wage earners reporting.	THEREOF IDLE.		NUMBER EMPLOYED.			
		Num-ber.	Per-cent.	Aggre-gate.	1-29 days.	30-59 days.	60-79 days.
1. Building, Stone Working, Etc.	146,562	4,537	3.1	130,238	1,486	22,971	104,498
Stone working.....	8,323	456	5.5	7,835	19	1,581	6,235
Building and paving trades.....	98,055	3,771	3.8	93,895	1,337	19,607	71,724
Building and street labor.....	40,184	310	0.8	28,508	130	1,783	26,539
2. Transportation	69,625	1,048	1.5	68,413	50	1,805	22,604
Railways.....	28,184	237	0.9	25,832	3	400	4,390
Navigation.....	14,727	167	1.1	14,350	.....	90	4,482
Teaming and cab driving.....	16,774	549	3.3	16,171	.....	424	11,787
Freight handling.....	7,500	95	1.3	7,380	47	762	5,693
Telegraphs.....	4,440	.....	0.0	1,680	.....	129	252
3. Clothing and Textiles	38,076	132	0.3	37,554	627	5,048	31,825
Garments.....	24,121	38	0.2	24,083	68	3,839	20,127
Shirts, collars and laundry.....	1,311	4	0.3	1,307	515	325	467
Hats, caps and furs.....	6,664	47	0.7	6,613	.....	341	6,269
Boots, shoes and gloves.....	3,049	26	0.9	3,017	36	205	2,776
Textiles.....	2,931	17	0.6	2,534	10	338	2,186
4. Metals, Machinery and Shipbuilding	37,715	521	1.4	36,990	168	2,936	32,748
Iron and steel.....	31,423	456	1.5	30,848	90	2,112	27,710
Other metals.....	4,261	20	0.5	4,230	23	309	3,816
Shipbuilding.....	2,031	45	2.2	1,912	55	515	1,222
5. Printing, Binding, Etc.	24,523	1,138	4.6	23,320	97	6,199	14,893
6. Wood Working and Furniture	11,371	621	5.5	10,402	146	2,519	7,710
7. Food and Liquors	14,346	359	2.5	13,941	142	281	12,787
Food products.....	6,917	165	2.4	6,749	120	225	6,227
Beverages.....	7,429	194	2.6	7,192	22	56	6,560
8. Theaters and Music	11,718	1,203	1.0	6,856	149	736	5,562
9. Tobacco	9,262	172	1.9	9,023	30	338	8,655
10. Restaurants and Retail Trade	8,229	79	1.0	8,035	6	232	5,647
Hotels and restaurants.....	6,042	76	1.3	5,937	4	201	3,673
Retail trade.....	2,187	3	0.1	2,098	2	31	1,974
11. Public Employment	10,554	110	1.0	10,308	1	701	1,601
12. Stationary Engine Men	13,904	123	0.9	13,769	122	135	5,396
13. Miscellaneous	13,128	288	2.2	12,672	869	781	8,732
Paper and paper goods.....	3,308	.....	0.0	3,278	200	68	2,657
Barbering.....	3,414	5	0.1	3,408	.....	41	2,191
Leather and leather goods.....	1,323	6	4.5	1,317	.....	.....	1,317
Glass and glassware.....	1,213	115	9.5	1,097	597	38	462
Cement and clay products.....	451	.....	0.0	451	67	10	374
Other distinct trades.....	2,598	161	6.2	2,341	5	20	1,78
Mixed employment.....	821	1	0.1	780	.....	604	14
Grand Total	409,013	10,331	2.5	378,521	3,893	44,682	262,65

THIRD QUARTER (JULY, AUGUST, SEPTEMBER) OF 1907: (a) MALES.

80 days or more.	DAYS EMPLOYED.		Aggregate Earnings.	AVERAGE EARNINGS.		NUMBER WHO EARNED—			
	Aggregate.	Per capita.		Per day.	For three months.	Less than \$75.	\$75 to \$149.	\$150 to \$224.	\$225 or more.
1,283	8,571,310	65.8	\$31,820,672 71	\$3 71	\$244 33	392	12,876	42,316	74,654
.....	511,800	65.3	1,995,354 40	3 90	254 67	7	783	1,819	5,226
1,227	6,146,867	65.5	24,722,933 12	4 02	263 30	257	3,383	23,398	66,857
56	1,912,643	67.1	5,102,385 19	2 67	178 98	128	8,710	17,099	2,571
40,954	5,526,073	84.5	14,542,558 08	2 63	222 32	352	8,411	32,613	24,037
21,039	2,270,780	87.9	6,742,847 37	2 97	261 03	94	827	8,645	16,266
13,778	1,301,469	90.7	3,241,310 66	2 49	225 88	75	4,624	3,908	5,743
3,960	1,284,686	79.4	2,913,134 35	2 27	180 15	55	1,175	14,529	412
878	528,231	71.6	1,360,849 75	2 58	184 40	109	1,508	4,302	1,461
1,299	140,907	83.9	284,415 95	2 02	169 30	19	277	1,229	155
54	2,483,897	66.1	6,329,501 42	2 55	168 54	790	13,535	17,525	5,704
51	1,579,802	65.6	4,089,448 10	2 59	169 81	204	9,379	10,531	3,969
.....	65,064	49.8	127,959 74	1 97	97 90	515	582	151	59
3	440,112	66.6	1,117,024 72	2 54	168 91	.....	2,162	3,449	1,002
.....	219,106	72.6	549,038 46	2 51	181 98	54	486	2,270	207
.....	179,813	71.0	446,030 40	2 48	176 02	17	926	1,124	467
1,138	2,675,815	72.3	8,274,599 08	3 09	223 70	493	2,947	13,535	20,015
936	2,245,215	72.8	6,911,178 01	3 08	224 04	452	2,040	11,680	16,676
82	307,161	72.6	914,960 83	2 98	216 30	31	539	1,632	2,028
120	123,439	64.6	448,460 24	3 63	234 55	10	368	223	1,311
2,131	1,663,697	71.3	5,623,204 41	3 38	241 13	17	777	12,449	10,077
27	703,882	67.7	2,089,902 59	2 97	200 91	233	1,249	5,576	3,344
731	1,060,194	76.0	2,761,416 32	2 60	198 08	88	1,558	8,975	3,320
177	505,175	74.9	1,285,923 39	2 55	190 54	56	1,169	4,374	1,151
554	555,019	77.2	1,475,492 93	2 66	205 16	33	389	4,601	2,169
409	425,560	62.1	3,183,900 09	7 48	464 40	306	533	677	5,340
.....	676,504	75.0	1,426,883 85	2 11	158 14	70	2,864	5,063	1,026
2,150	647,461	80.6	1,535,172 34	2 37	191 06	18	1,305	5,093	1,619
2,059	485,118	81.7	1,127,120 21	2 32	189 85	15	882	3,960	1,080
91	162,343	77.4	408,052 13	2 51	194 50	3	423	1,133	539
8,005	866,734	84.1	2,404,770 21	2 77	233 29	1	850	2,729	6,728
8,116	1,171,097	85.1	3,584,266 97	3 06	260 31	28	516	3,545	9,680
2,290	921,729	72.7	2,129,733 77	2 31	168 07	709	5,641	4,238	2,084
353	236,663	72.2	473,775 02	2 00	144 53	222	2,112	577	367
1,177	281,253	82.5	519,821 92	1 85	152 53	1	1,408	1,973	26
.....	100,135	76.0	250,733 44	2 50	190 38	.....	236	762	319
.....	49,807	45.4	189,384 92	3 80	172 64	70	542	140	345
.....	28,297	62.7	112,501 17	3 98	249 45	10	98	118	225
738	189,210	80.8	518,732 35	2 74	221 59	5	933	605	798
22	36,364	46.6	64,784 95	1 78	83 06	401	312	63	4
67,288	27,393,953	72.4	\$85,706,581 84	\$3 13	\$226 42	3,497	53,062	154,334	167,628

TABLE I.—EMPLOYMENT AND EARNINGS OF ORGANIZED WAGE WORKERS IN

INDUSTRIES OR GROUPS OF TRADES.	Number of wage earners reporting.	THEREOF IDLE.		NUMBER EMPLOYED.			
		Num-ber.	Per cent.	Aggre-gate.	1-29 days.	30-59 days.	60-79 days.
2. Transportation:							
Telegraphs.....	497		0.0	72		51	6
3. Clothing and Textiles.....	6,842	15	0.2	6,791	472	520	5,778
Garments.....	4,208	3	0.1	4,203	27	271	3,899
Shirts, collars and laundry.....	776		0.0	776	445	195	136
Hats, caps and furs.....	1,251	6	0.5	1,245		3	1,227
Boots, shoes and gloves.....	517	6	1.2	511			511
Textiles.....	92		0.0	56		51	5
4. Metals, Machinery and Shipbuilding:							
Iron and steel.....	249		0.0	249		17	232
5. Printing, Binding, Etc.....	1,470	78	5.3	1,390	14	77	1,299
6. Wood Working and Furniture.....	45		0.0	45			45
8. Theaters and Music.....	1,222	1	0.1	1,181	46		1,020
9. Tobacco.....	2,604	67	2.6	2,533		32	2,501
10. Restaurants and Retail Trade.....	200		0.0	199		2	197
Hotels and restaurants.....	60		0.0	60			60
Retail trade.....	140		0.0	139		2	137
11. Public Employment.....	62		0.0	62			4
13. Miscellaneous.....	210		0.0	198		1	197
Paper and paper goods.....	198		0.0	198		1	197
Other distinct trades.....	12		0.0				
Grand Total.....	13,401	161	1.2	12,720	532	700	11,279

THIRD QUARTER (JULY, AUGUST, SEPTEMBER) OF 1907: (b) FEMALES.

80 days or more.	DAYS EMPLOYED.		Aggregate Earnings.	AVERAGE EARNINGS.		NUMBER WHO EARNED—			
	Aggregate.	Per capita.		Per day.	For three months.	Less than \$75.	\$75 to \$149.	\$150 to \$224.	\$225 or more.
15	4,096	56.9	\$7,160 41	\$1 75	\$99 45	34	19	18	1
21	458,623	67.5	673,777 81	1 47	99 22	1,438	5,038	315	.....
6	299,067	71.1	401,648 64	1 34	95 56	903	3,163	137	.....
.....	31,607	40.7	51,939 75	1 64	66 93	455	311.	10	.....
15	87,089	70.0	157,824 67	1 81	126 77	.....	1,229	16	.....
.....	38,307	75.0	58,360 75	1 52	114 21	38	326	147	.....
.....	2,553	45.6	4,004 00	1 57	71 50	42	9	5	.....
.....	17,292	69.4	29,479 15	1 70	118 39	22	187	40	.....
.....	96,103	69.1	153,771 04	1 60	110 63	210	1,054	76	50
.....	3,452	76.7	4,218 50	1 22	93 74	14	31	.....	.....
115	72,713	61.6	699,258 75	9 62	592 09	46	.....	6	1,129
.....	190,963	75.4	379,738 14	1 99	149 92	19	1,273	864	377
.....	15,469	77.7	15,747 67	1 02	79 13	72	123	4	.....
.....	4,560	76.0	3,066 80	67	51 11	60	.....	.....	.....
.....	10,909	78.5	12,680 87	1 16	91 23	12	123	4	.....
58	5,568	89.8	9,089 00	1 63	146 60	.....	40	14	8
.....	13,816	69.8	15,489 62	1 12	78 23	1	197	.....	.....
.....	13,816	69.8	15,489 62	1 12	78 23	1	197	.....	.....
209	878,095	69.0	\$1,987,730 00	\$2 26	\$156 27	1,856	7,962	1,337	1,565

TABLE II.—CAUSES OF IDLENESS AMONG ORGANIZED

INDUSTRIES OR GROUPS OF TRADES.	Number not reporting.	Number reporting.	Total number idle.
1. Building, Stone Working, Etc.....	21,351	129,031	17,748
Stone working.....	319	8,023	1,592
Building and paving trades.....	3,166	98,324	15,330
Building and street labor.....	17,866	22,684	826
2. Transportation.....	2,187	70,584	4,670
Railways.....	978	26,184	575
Navigation.....	212	14,727	264
Teaming and cab driving.....	967	17,236	1,308
Freight handling.....	30	7,500	1,101
Telegraphs.....	.....	4,937	1,422
3. Clothing and Textiles.....	1,898	45,540	8,651
Garments.....	1,283	28,679	3,472
Shirts, collars and laundry.....	.....	2,237	764
Hats, caps and furs.....	175	8,115	3,884
Boots, shoes and gloves.....	4	3,566	89
Textiles.....	436	2,943	442
4. Metals, Machinery and Shipbuilding.....	114	37,960	3,053
Iron and steel.....	108	31,668	2,546
Other metals.....	6	4,261	300
Shipbuilding.....	.....	2,031	207
5. Printing, Binding, Etc.....	31	26,117	2,125
6. Wood Working and Furniture.....	63	12,097	1,185
7. Food and Liquors.....	11	14,346	959
Food products.....	1	6,917	569
Beverages.....	10	7,429	390
8. Theaters and Music.....	3,296	12,940	1,453
9. Tobacco.....	1,774	10,114	385
10. Restaurants and Retail Trade.....	107	8,429	346
Hotels and restaurants.....	14	6,102	325
Retail trade.....	93	2,327	21
11. Public Employment.....	95	10,616	1,065
12. Stationary Engine Men.....	572	14,002	297
13. Miscellaneous.....	479	13,338	721
Paper and paper goods.....	168	3,506	255
Barbering.....	154	3,414	35
Leather and leather goods.....	.....	1,323	25
Glass and glassware.....	.....	1,213	118
Cement and clay products.....	.....	451	75
Other distinct trades.....	.....	2,610	210
Mixed employment.....	157	821	3
Grand Total.....	31,978	405,114	42,658

WAGE WORKERS AT THE END OF SEPTEMBER, 1907.

Per cent idle.	NUMBER IDLE ON ACCOUNT OF—						Reason not stated.
	Lack of work.	Lack of stock.	The weather.	Labor disputes.	Disability.	Other reasons.	
13.8	15,193	741	248	133	1,276	139	18
19.8	1,365	67	22	.....	138	.....	.....
15.6	13,335	674	226	.....	814	139	16
3.6	493	.....	.....	.....	324	.....	2
6.6	2,514	.....	.....	1,555	541	56	4
2.2	51	.....	.....	90	376	54	4
1.8	224	.....	.....	.....	38	2	.....
7.6	1,189	.....	.....	43	76	.....	.....
14.7	1,050	.....	.....	.....	51	.....	.....
28.8	.....	.....	.....	1,422	.....	.....	.....
19.0	3,440	925	.....	4,145	101	38	2
12.1	2,342	900	.....	193	36	1	.....
34.2	704	.....	.....	60	.....	.....	.....
47.9	217	10	.....	3,617	40	.....	.....
2.5	48	15	.....	.....	24	.....	2
15.0	129	.....	.....	275	1	37	.....
8.0	2,205	55	15	307	394	62	15
8.0	1,855	48	15	277	321	30	.....
7.0	223	2	.....	30	27	18	.....
10.2	127	5	.....	.....	46	14	15
8.1	1,350	.....	.....	251	493	.....	31
9.8	1,051	10	.....	.....	94	15	15
6.7	723	.....	135	7	89	5	.....
8.2	506	.....	.....	7	51	5	.....
5.2	217	.....	135	.....	38	.....	.....
11.2	1,258	.....	.....	182	13	.....	.....
3.8	139	.....	67	.....	172	7	.....
4.1	253	.....	.....	20	55	2	16
5.3	240	.....	.....	20	47	2	16
0.9	13	.....	.....	.....	8	.....	.....
10.0	800	.....	20	.....	140	.....	105
2.1	202	.....	.....	54	26	15	.....
5.4	273	21	84	262	50	4	27
7.3	21	20	.....	209	1	4	.....
1.0	17	.....	.....	.....	18	.....	.....
1.9	20	.....	.....	.....	5	.....	.....
9.7	2	.....	84	.....	5	.....	27
16.6	75	.....	.....	.....	.....	.....	.....
8.0	138	.....	.....	53	19	.....	.....
0.4	.....	1	.....	.....	2	.....	.....
10.5	29,401	1,752	569	6,916	3,444	343	233

TABLE III.—NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS

INDUSTRIES OR GROUPS OF TRADES.	New York State.				New York	
	Org.	Men.	Women.	Total number of members.	Org.	Members.
1. Building, Stone Working, Etc.	751	150,382	.....	150,382	226	108,110
Stone working.....	50	8,342	.....	8,342	15	6,474
Building and paving trades.....	636	101,490	.....	101,490	176	65,663
Building and street labor.....	65	40,550	.....	40,550	35	35,973
2. Transportation	376	72,274	497	72,771	78	33,684
Railways.....	227	27,162	.....	27,162	25	4,630
Navigation.....	27	14,939	.....	14,939	8	8,484
Teaming and cab driving.....	63	18,203	.....	18,203	28	14,507
Freight handling.....	41	7,530	.....	7,530	15	4,270
Telegraphs.....	18	4,440	497	4,937	4	1,793
3. Clothing and Textiles	183	39,943	7,495	47,438	89	37,680
Garments.....	92	25,572	4,390	29,962	49	25,365
Shirts, collars and laundry.....	13	1,311	926	2,237	5	1,830
Hats, caps and furs.....	27	6,789	1,501	8,290	22	7,865
Boots, shoes and gloves.....	16	3,053	517	3,570	7	1,399
Textiles.....	35	3,218	161	3,379	6	1,221
4. Metals, Machinery and Shipbuilding	304	37,825	249	38,074	81	17,926
Iron and steel.....	250	31,527	249	31,776	51	12,603
Other metals.....	43	4,267	.....	4,267	21	3,359
Shipbuilding.....	11	2,031	.....	2,031	9	1,964
5. Printing, Binding, Etc.	115	24,673	1,475	26,148	36	21,899
6. Wood Working and Furniture	88	12,115	45	12,160	45	9,379
7. Food and Liquors	116	14,357	.....	14,357	33	9,633
Food products.....	63	6,918	.....	6,918	25	5,033
Beverages.....	53	7,439	.....	7,439	8	4,600
8. Theaters and Music	64	14,846	1,390	16,236	13	12,076
9. Tobacco	66	9,280	2,608	11,888	15	7,778
10. Restaurants and Retail Trade	91	8,336	200	8,536	18	4,048
Hotels and restaurants.....	53	6,056	60	6,116	8	2,861
Retail trade.....	38	2,280	140	2,420	10	1,187
11. Public Employment	118	10,649	62	10,711	24	8,809
12. Stationary Engine Men	74	14,574	.....	14,574	28	10,434
13. Miscellaneous	152	13,607	210	13,817	27	5,014
Paper and paper goods.....	35	3,476	198	3,674	.....	.....
Barbering.....	56	3,568	.....	3,568	5	1,177
Leather and leather goods.....	9	1,323	.....	1,323	5	919
Glass and glassware.....	18	1,213	.....	1,213	6	672
Cement and clay products.....	6	451	.....	451	2	275
Other distinct trades.....	20	2,598	12	2,610	9	1,971
Mixed employment.....	8	978	.....	978	.....	.....
Grand Total	2,498	422,861	14,231	437,092	713	286,470

IN THE STATE AND IN THE PRINCIPAL CITIES, SEPTEMBER 30, 1907.

City.	Buffalo.		Rochester.		Syracuse.		Albany.		Schenectady.		Troy.	
Thereof women.	Org.	Members.	Org.	Members.	Org.	Members.	Org.	Members.	Org.	Members.	Org.	Members.
.....	43	5,650	20	5,731	19	2,668	14	1,566	9	1,407	9	910
.....	4	281	1	122	1	56	2	110	.....	.....	.....	.....
.....	39	5,369	16	3,327	15	2,429	11	1,281	8	1,282	8	876
.....	.....	.....	3	2,282	3	183	1	175	1	125	1	34
407	53	13,194	17	2,585	14	1,208	21	3,389	3	232	10	1,182
.....	32	5,252	12	2,089	12	1,072	12	1,761	3	232	5	674
.....	6	5,432	.....	.....	.....	.....	2	152	.....	.....	.....	.....
.....	7	570	3	311	.....	.....	4	981	.....	.....	3	457
.....	7	1,740	.....	.....	1	100	1	275	.....	.....	2	51
407	1	200	2	185	1	36	2	220	.....	.....	.....	.....
4,246	10	1,646	4	1,518	12	1,381	3	133	1	43	2	107
1,925	7	1,470	2	68	9	1,133	2	73	1	43	1	90
690	.....	.....	.....	.....	1	55	1	60	.....	.....	1	17
1,414	1	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
175	2	166	2	1,450	2	193	.....	.....	.....	.....	.....	.....
42	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	19	3,265	10	1,839	8	840	11	773	26	4,881	11	1,127
.....	17	3,049	9	1,719	7	753	9	730	25	4,831	9	1,061
.....	2	216	1	120	1	87	2	43	1	50	2	66
.....
1,330	12	1,056	9	532	6	350	6	795	1	63	1	138
10	7	601	5	535	6	189	4	186	1	100	1	60
.....	10	1,294	5	490	6	448	7	433	2	77	5	318
.....	4	288	3	160	2	220	2	123	2	77	2	125
.....	6	1,006	2	330	4	228	5	310	.....	.....	3	193
1,195	3	539	2	504	2	277	3	248	2	126	2	207
2,361	1	508	2	302	3	493	3	262	1	76	1	340
60	7	918	2	330	5	525	3	358	3	279	2	162
60	2	720	2	330	2	350	1	229	1	150	1	102
.....	5	198	.....	.....	3	175	2	129	2	129	1	60
4	3	507	3	225	2	130	4	188	2	77	2	53
.....	6	2,105	2	610	2	205	3	142	.....	.....	1	38
12	7	1,432	3	195	1	170	1	146	1	122	2	182
.....	1	532	1	138	1	170	1	146	1	122	1	86
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	96
.....	1	58	2	57	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	107	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
12	3	135	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	600	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
9,625	181	32,715	84	15,396	86	8,884	83	8,619	52	7,483	49	4,824

TABLE IV.—STATISTICS OF BUILDING OPERATIONS IN THE PRINCIPAL CITIES.
(a) Buildings Authorized in New York City in July, August and September, 1906 and 1907.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS.			
	1906.	1907.	1906.	1907.	COMMENCED.		COMPLETED.	
					1906.	1907.	1906.	1907.
NEW BUILDINGS:								
Bronx.....	518	472	\$6,686,250	\$4,551,819	528	398	523	515
Brooklyn.....	2,320	1,762	19,919,665	13,888,614	1,682	1,429	1,523	1,571
Manhattan.....	362	208	25,668,810	16,693,800	321	231	464	171
Queens.....	981	943	4,246,129	3,305,459	1,187	533	834	808
Richmond.....	213	281	1,594,433	853,043	146	230	189	200
Total.....	4,394	3,666	\$58,115,287	\$39,292,735	3,864	2,821	3,533	3,265
ALTERATIONS:								
Bronx.....	166	246	\$276,330	\$269,415	150	204	152	161
Brooklyn.....	1,061	2,186	1,567,505	1,673,260	728	1,707	822	1,815
Manhattan.....	949	915	3,721,661	3,848,875	795	766	799	880
Queens.....	345	498	316,342	312,015	363	331	293	400
Richmond.....	158	141	229,966	60,840	126	115	139	126
Total.....	2,679	3,986	\$6,111,804	\$6,164,405	2,162	3,123	2,205	3,382
TOTAL OF NEW BUILDINGS AND ALTERATIONS:								
Bronx.....	684	718	\$6,962,580	\$4,821,234	678	602	675	676
Brooklyn.....	3,381	3,948	21,487,170	15,561,874	2,410	3,136	2,345	3,386
Manhattan.....	1,311	1,123	29,390,471	20,542,675	1,116	997	1,263	1,051
Queens.....	1,326	1,441	4,562,471	3,617,474	1,550	864	1,127	1,208
Richmond.....	371	422	1,824,399	913,983	272	345	328	326
Total.....	7,073	7,652	\$64,227,091	\$45,457,140	6,026	5,944	5,738	6,647

Number and Estimated Cost of New and Remodeled Tenement Houses Included in the Foregoing Table.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST.	
	1906.	1907.	1906.	1907.
NEW TENEMENTS:				
Bronx.....	90	63	\$3,409,000	\$1,094,700
Brooklyn.....	758	416	9,970,500	5,918,300
Manhattan.....	224	68	12,457,500	7,163,000
Queens.....	124	95	917,000	664,800
Richmond.....		1		5,500
Total.....	1,196	643	\$26,754,000	\$14,846,300
REMODELED TENEMENTS:				
Bronx.....	25	43	\$28,400	\$34,325
Brooklyn.....	124	156	79,435	71,617
Manhattan.....	628	521	1,521,381	950,825
Queens.....	17	36	7,878	15,050
Richmond.....	2	3	440	5,155
Total.....	796	759	\$1,637,534	\$1,076,972
TOTAL OF NEW AND REMODELED TENEMENTS:				
Bronx.....	115	106	\$3,437,400	\$1,129,025
Brooklyn.....	882	572	10,049,935	5,989,917
Manhattan.....	852	589	13,978,881	8,113,825
Queens.....	141	131	924,878	679,850
Richmond.....	2	4	440	10,655
Total.....	1,992	1,402	\$28,391,534	\$15,923,272

TABLE IV.—STATISTICS OF BUILDING OPERATIONS—(Continued).

(b) Buffalo, Rochester, Syracuse and Troy.

CITY AND PERIOD.	NEW BUILDINGS.		ADDITIONS AND REPAIRS.		ALL BUILDINGS.	
	No.	Cost.	No.	Cost.	No.	Cost.
BUFFALO.						
July.....	186	a\$831,325	87	\$125,675	273	a\$957,000
August.....	139	541,675	72	119,325	211	661,000
September.....	187	513,010	110	174,990	297	688,000
July-September, 1907..	512	a\$1,836,010	269	\$419,990	781	a\$2,306,000
1906..	451	*1,794,185	233	306,360	684	*2,100,545
1905..	473	¶1,907,359	279	416,720	752	¶2,324,079
1904..	453	1,495,677	258	205,815	711	1,701,492
1903..	428	1,428,274	101	124,458	529	1,552,732
1902..	414	1,806,871	227	189,739	641	1,996,610
1901..	104	696,250	67	68,189	171	764,439
1900..	129	292,896	113	192,955	242	485,841
ROCHESTER.						
July.....	135	b\$910,620	34	\$42,305	169	b\$952,925
August.....	173	c855,310	48	48,820	221	c904,130
September.....	134	419,325	40	57,200	174	476,525
July-September, 1907..	442	d\$2,185,255	122	\$148,325	564	d\$2,333,580
1906..	365	1,244,745	121	175,069	486	1,419,814
1905..	362	1,090,175	86	101,575	448	1,191,750
1904..	249	807,707	47	34,856	296	842,563
1903..	105	403,688	45	32,905	150	436,593
1902..	151	561,641	50	71,275	201	632,916
1901..	119	725,381	47	53,000	166	778,381
1900..	132	511,543	60	63,955	192	575,498
SYRACUSE.						
July.....	62	\$256,935	64	\$86,060	126	\$342,995
August.....	52	130,525	60	42,350	112	172,875
September.....	69	208,972	43	36,235	112	245,207
July-September, 1907..	183	\$596,432	167	\$164,645	350	\$761,077
1906..	154	†954,814	113	90,770	267	†1,045,584
1905..	101	\$792,727	92	62,160	193	\$854,887
1904..	101	281,054	114	104,190	215	385,244
1903..	70	382,475	78	68,180	148	450,655
1902..	67	312,450	67	48,680	134	361,130
1901..	91	371,590	101	48,283	192	419,873
1900..	71	215,290	118	60,510	189	275,800
TROY.						
July-September, 1907..	11	\$61,150	61	\$55,050	72	\$116,200
1906..	19	†225,300	52	21,465	71	†246,765

aIncluding wing to hospital to cost \$121,000.

bIncluding fire proof hotel to cost \$500,000.

cIncluding fire proof addition to dry goods store to cost \$120,000.

dIncluding fire proof hotel to cost \$500,000 and a fire proof addition to a dry goods store to cost \$120,000.

*Including two fireproof factory buildings to cost \$375,000.

¶Including three large buildings to cost \$591,000.

†Including a chemical laboratory to cost \$150,000 and a central telephone station to cost \$119,000.

‡Including a library building to cost \$150,000.

§Including an apartment house to cost \$130,000.

TABLE V.—IMMIGRATION AT THE PORT OF
(Compiled by the Bureau of Immigration and

RACE OR PEOPLE.	SEX.		Total admitted.	Under 14 years.
	Male.	Female.		
1 African (black).....	333	385	718	81
2 Armenian.....	582	351	933	145
3 Bohemian and Moravian.....	1,604	1,202	2,806	457
4 Bulgarian, Servian, Montenegrin.....	2,872	230	3,102	84
5 Chinese.....	4	.....	4	.....
6 Croatian and Slovenian.....	5,654	2,010	7,664	537
7 Cuban.....	873	290	1,163	135
8 Dalmatian, Bosnian, Herzegovinian.....	1,426	151	1,577	41
9 Dutch and Flemish.....	1,693	1,089	2,782	575
10 East Indian.....	33	2	35	.....
11 English.....	5,077	3,691	8,768	1,246
12 Finnish.....	717	603	1,320	95
13 French.....	1,379	1,131	2,510	306
14 German.....	11,604	8,530	20,134	2,989
15 Greek.....	10,234	702	10,936	251
16 Hebrew.....	18,780	16,638	35,418	8,388
17 Irish.....	3,976	3,827	7,803	496
18 Italian (North).....	5,355	2,274	7,629	835
19 Italian (South).....	30,878	13,649	44,527	7,259
20 Japanese.....	16	1	17	.....
21 Korean.....	.....	.....	.....	.....
22 Lithuanian.....	2,622	1,733	4,355	372
23 Magyar.....	5,062	3,044	8,106	1,089
24 Mexican.....	102	26	128	18
25 Pacific Islander.....	.....	.....	.....	.....
26 Polish.....	15,756	8,595	24,351	2,381
27 Portuguese.....	632	356	988	162
28 Roumanian.....	2,755	395	3,150	78
29 Russian.....	2,413	447	2,860	134
30 Ruthenian (Russniak).....	3,040	1,257	4,297	207
31 Scandinavian.....	3,744	3,373	7,117	723
32 Scotch.....	1,585	1,369	2,954	556
33 Slovak.....	2,962	1,859	4,821	708
34 Spanish.....	873	256	1,129	105
35 Spanish-American.....	239	87	326	59
36 Syrian.....	980	481	1,461	171
37 Turkish.....	461	7	468	3
38 Welsh.....	409	209	618	101
39 West Indian (except Cuban).....	121	132	253	38
40 Other peoples.....	462	38	500	14
41 Grand total.....	147,308	80,420	227,728	30,842

* The number of immigrants destined

Alabama.....	419	Indiana.....	1,783
Alaska.....	14	Indian Territory.....	79
Arizona.....	336	Iowa.....	1,011
Arkansas.....	69	Kansas.....	654
California.....	3,802	Kentucky.....	153
Colorado.....	1,157	Louisiana.....	350
Connecticut.....	6,800	Maine.....	404
Delaware.....	271	Maryland.....	942
District of Columbia.....	271	Massachusetts.....	13,328
Florida.....	265	Michigan.....	4,329
Georgia.....	194	Minnesota.....	2,061
Hawaii.....	18	Mississippi.....	80
Idaho.....	165	Missouri.....	3,895
Illinois.....	15,894	Montana.....	612

NEW YORK, QUARTER ENDED SEPTEMBER 30, 1907.*

Naturalization, Department of Commerce and Labor.)

Age.		ILLITERACY (14 years and over.)		Have been in the United States before.	Total debarred	TOTAL ADMITTED.		
14 to 44 years.	45 and over.	Can read but cannot write.	Can neither read nor write.			Third quarter, 1906.	Second quarter, 1907.	
612	25	.....	18	70	11	739	1,016	1
741	47	.....	205	19	8	507	534	2
2,220	129	.....	37	45	6	1,833	3,495	3
2,920	98	.....	1,219	57	76	1,188	8,470	4
4	.....	.....	.....	1	.....	3	5	5
6,923	204	9	1,883	315	27	5,820	13,148	6
899	129	.....	3	595	1	1,099	577	7
1,505	31	.....	718	45	21	924	3,254	8
2,020	187	.....	82	183	9	1,863	4,902	9
34	1	.....	2	6	5	19	11	10
6,631	891	5	43	1,815	20	7,671	10,551	11
1,244	21	4	37	92	.....	1,376	3,076	12
2,011	193	1	54	394	21	2,057	2,400	13
15,951	1,194	14	892	1,312	72	15,335	27,645	14
10,582	100	1	2,687	267	86	5,546	19,877	15
25,289	1,761	23	8,158	286	163	42,638	28,387	16
7,024	283	11	79	873	36	6,440	12,411	17
6,548	246	1	635	567	34	8,685	16,780	18
34,236	3,032	10	19,920	2,310	415	42,916	38,086	19
17	.....	.....	.....	5	3	23	11	20
.....	.....	.....	.....	.....	.....	.....	1	21
3,895	88	59	2,429	60	44	3,594	9,585	22
6,761	257	4	755	372	23	7,362	19,652	23
104	6	.....	3	51	.....	25	8	24
.....	.....	.....	.....	.....	.....	.....	.....	25
21,489	481	333	8,553	506	110	16,999	51,385	26
775	51	.....	493	82	1	409	1,345	27
2,946	126	1	1,126	68	6	1,292	5,835	28
2,672	54	6	993	26	9	997	4,165	29
3,992	98	8	2,234	155	27	2,946	7,477	30
6,074	320	2	31	629	16	7,838	15,164	31
2,188	210	1	7	400	10	3,330	5,920	32
3,98	133	3	841	418	26	5,748	11,721	33
947	77	1	166	169	13	777	1,321	34
231	35	.....	2	117	1	367	244	35
1,264	26	.....	787	70	37	1,016	1,303	36
459	6	.....	267	7	3	133	843	37
461	56	.....	8	83	.....	552	753	38
198	17	1	2	83	2	503	359	39
472	14	.....	213	9	9	245	737	40
186,259	10,627	498	55,582	12,562	1,353	200,305	388,304	41

to each state or territory is shown below:

Nebraska	819	Rhode Island	1,820
Nevada	227	South Carolina	36
New Hampshire	707	South Dakota	344
New Jersey	13,792	Tennessee	140
New Mexico	43	Texas	295
New York	96,225	Utah	530
North Carolina	44	Vermont	375
North Dakota	684	Virginia	403
Ohio	10,454	Washington	1,202
Oklahoma	40	West Virginia	1,589
Oregon	556	Wisconsin	3,706
Pennsylvania	34,054	Wyoming	223
Philippine Islands	1		
Porto Rico	23		
		Grand total	227,728

BUREAU OF FACTORY INSPECTION.

Table VI.—Record of the Deputy Factory Inspectors.

	THIRD QUARTER, 1907.				Third Quarter, 1906.
	July.	Aug.	Sept.	Total.	
Regular inspections:					
Factories in separate buildings.....	1,265	853	705	2,823	7,652
Tenant factories.....	1,589	1,175	1,238	4,002	
Laundries.....	214	94	73	381	
Bakeries.....	302	253	214	769	
Mines or quarries.....	23	37	29	89	980
Tenant factory buildings.....	7	12	7	26	76
Tenement buildings (licensed).....	601	348	489	1,438	\$
Total.....	4,001	2,772	2,755	9,528	
Special inspections (factories, laundries, bakeries).....	215	122	43	380	
Investigations:					
Accidents.....					25
Applications for license.....	308	291	270	869	1,010
Complaints.....	69	78	89	236	98
Compliances (No. of establishments).....	2,379	2,316	3,730	8,425	6,744
On special orders.....	112	156	113	381	*
Total.....	2,868	2,841	4,202	9,911	
Observations—Tenement buildings (unlicensed).....	651	316	281	1,248	\$
Tagging, to stop work:					
Goods in tenements (\$100).....	6	30	3	39	89
Goods in tenant factories (\$95).....	29	12	10	51	
Articles in bakeries (\$114).....		2		2	
Unsafe machinery (\$81).....					
Scaffolding (\$19).....					*
Total.....	35	44	13	92	*
Prosecutions begun.....	38	21	10	69	*
Days or parts of days on court work.....	71	78	31½	180½	90
Days consumed by illness or travel.....	98½	76½	63½	238½	*
Days absent by leave or vacation.....	62	318½	174½	555	*

Table VII.—Number of Children's Employment Certificates Issued by Boards of Health in First and Second Class Cities.

CITY.	THIRD QUARTER, 1907.				Third Quarter, 1906.
	July.	Aug.	Sept.	Total.	
New York City:					
Bronx Borough.....	200	70	275	545	412
Brooklyn Borough.....	57	49	88	194	378
Manhattan Borough.....	1,333	381	1,711	3,425	2,915
Queens Borough.....	91	47	94	232	157
Richmond Borough.....	15	5	14	34	55
Total—New York City.....	1,696	552	2,182	4,430	4,917
Buffalo.....	199	73	81	353	207
Rochester.....	196	72	90	358	327
Syracuse.....	142	50	92	284	231
Albany.....	37	18	22	77	83
Troy.....	69	15	53	137	84
Utica.....	106	26	37	169	147
Yonkers.....	20	15	19	54	19
Schenectady.....	35	10	31	76	48

* Licensed and unlicensed buildings inspected, 116. * No record kept.

† includes 'mercantile' as well as 'manufacturing' certificates.

BUREAU OF FACTORY INSPECTION.

Table VIII.—Licenses for Tenement Manufacturers.

	THIRD QUARTER, 1907.			Total, Oct. 1, 1904, to Sept. 30, 1907.
	New York City.	Remain- der of State.	Total.	
Applications pending June 30, 1907.....	125	.....	125	.....
Applications received.....	584	26	610	10,257
Total.....	709	26	735	10,257
(1) Applications for dwellings with- out clear record from local health or tenement-house au- thorities and therefore.....	refused	.....	.....	1,775
(2) Applications for dwellings with clear record from health and tenement-house authorities, in- vestigated by factory inspec- tor and.....	granted	425 10	435	5,294
	refused	112	112	1,663
	standing*	39	39	292
(3) Applications for shop buildings investigated by factory inspec- tor and.....	granted	5 16	21	688
	refused	2	2	179
	standing*	.....	.....	3
Applications refused† in class 1 with subsequent report of compliance with orders of health or tenement house authorities, investigated by factory inspector and.....	granted	48	48	932
	refused	13	13	407
Applications refused† in classes 2 or 3, subsequently re-investigated and.....	granted	114	114	1,513
	refused	44	44	904
Total applications granted.....	592	26	618	8,405
Total applications refused (net)†.....	48	.....	48	1,192
Total applications standing*.....	39	.....	39	295
Applications cancelled by applicants.....	6	.....	6	218
Applications duplicated.....	.....	.....	.....	27
Applications pending Sept. 30, 1907.....	120	.....	120	120
Licenses cancelled at request of applicants....	68	1	69	277
Licenses revoked for unlawful conditions....	3	.....	3	8
Net increase in outstanding licenses.....	521	25	546	.....
Licenses outstanding June 30, 1907.....	7,107	467	7,574	.....
Licenses outstanding Sept. 30, 1907.....	7,628	492	8,120	8,120

* These are cases in which investigation showed no work being done or likely to be done on the premises and in which no further application for the license was received after investigation.

† In present or previous quarters.

‡ The number of buildings held to be below the requirements for licensing was 1,240 at the beginning of the quarter. As the result of re-applications and re-inspections during the quarter, the number of rejected applications was reduced to 1,192.

TABLE IX.—ACCIDENTS IN FACTORIES, QUARRIES AND TUNNELS, JULY-SEPTEMBER, 1907.
(a) Age and Sex of Persons Injured.

CAUSE. [n. e. s.—Not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +	Age not stated.	TOTAL.	Male.	Fem.
MECHANICAL POWER.							
Transmission of power:							
Motors (engines, dynamos, flywheels, etc.)		1	50		51	51	
Air fans, steam pumps, etc.			7		7	7	
Gearing on all machines	1	14	88		103	90	13
Set screws	1	2	13		16	15	1
Shafting		2	20		22	20	2
Belts and pulleys		8	112		120	116	4
Conveying and hoisting apparatus:							
Elevators and lifts	3	12	48		63	62	1
Cranes (steam, electric, portable, etc.)			34		34	34	
Hoisting and conveying machinery and apparatus, n. e. s.	2	6	312	1	321	319	2
Locomotives and trains		4	62		66	66	
Wood working machines:							
Saws	3	16	185	1	205	205	
Planers		3	34		37	37	
Jointers or buzz planers			23		23	23	
Shapers			17		17	17	
Lathes			2		2	2	
Other wood working machines		3	27	1	31	31	
Paper and printing machinery:							
Barkers		2	13		15	15	
Calenders and other paper making machines		3	52		55	53	2
Paper cutting, stitching and staying machines	2	14	48	1	65	44	21
Printing presses	1	11	21		33	27	6
Textile machinery:							
Picking machines		1	10		11	10	1
Carding machines	1	8	17		26	22	4
Spinning machines		3	11		14	10	4
Looms	2	1	23		26	12	14
Formers, knitting machines and other textile machinery	4	10	39	1	54	37	17
Sewing machines, etc.	1	5	10		16	6	10
Laundry machines		1	4		5	2	3
Leather working machinery		1	22		23	17	6
Metal working machinery:							
Stamping machines	4	32	147	2	185	160	25
Drilling and milling machines		15	92	1	108	107	1
Screw machines		2	12		14	14	
Lathes		2	37		40	40	
Drop and power hammers	1	1	50	1	53	51	2
Shears		1	29		30	30	
Rollers			44		44	44	
Others	1	19	117		137	130	7
Polishing machines:							
Contact with grindstones, emery wheels, etc.		1	40		41	41	
Struck by fragments of polishing wheels		2	42		44	44	
Other		4	29		33	33	
Machines used in bakeries, confectionery establishments, etc.	1	2	8		11	10	1
Machines not elsewhere specified	*2	14	141		*157	*149	8
Total	*30	226	2,092	10	*2,358	*2,208	155
HEAT AND ELECTRICITY.							
Explosives (powder, dynamite, etc.)			19		19	19	
Explosion and ignition of gases			37		37	36	1
Explosion of boilers and steam pipes		1	12		13	13	
Other injuries from steam and hot liquids		1	68		69	69	
Caustics		1	26		27	27	
Explosion of molten metals		1	21		22	22	
Other accidents from molten metals			75		75	75	
Vats, pans, etc. (containing hot liquids or caustics)			7		7	7	
Electricity			72		72	72	
Fire and heat, n. e. s.		3	108		111	110	1
Total		7	445		452	450	2

*One not an employee.

TABLE IX.—ACCIDENTS IN FACTORIES, QUARRIES AND TUNNELS, JULY–SEPTEMBER, 1907.

(a) Age and Sex of Persons Injured—(Concluded).

CAUSE. [n. e. s.—Not elsewhere specified.]	Under 16 years.	16–18 years.	18 years +	Age not stated.	TOTAL.	Male.	Fem.
FALL OF PERSON.							
Fall from ladder, scaffold, platform, etc.	....	3	76	....	79	77	2
Fall from machinery, trucks, engines, etc.	....	4	67	1	72	72	....
Fall caused by collapse of support	....	4	46	1	51	51	....
Fall through opening in floor	....	1	22	....	23	23	....
Fall in hoistway, shaft, etc.	1	2	4	2	9	9	....
Fall on stairs, steps, etc.	....	2	19	....	21	17	4
Fall on level by slipping	....	....	23	....	23	21	2
Fall on level by tripping	1	....	20	....	21	19	2
All others	1	2	80	1	84	83	1
Total	3	18	357	5	383	372	11
INJURED BY WEIGHTS.							
Falling rock and earth (quarrying, excavating, etc.)	....	1	73	....	74	74	....
Falling pile of material (lumber, coal, cement, etc.)	....	1	51	....	52	52	....
Falling walls, doors and other objects.	3	4	281	1	289	288	1
Tools or weights dropped by person injured	....	....	60	1	61	61	....
Falling objects dropped by other persons	1	....	20	....	21	21	....
Heavy materials or parts on which injured persons were at work	....	2	134	1	137	137	....
Machinery being moved	....	1	44	....	45	45	....
Fall of materials from trucks in transit	....	....	47	....	47	47	....
Handling of castings, flasks, etc.	....	2	138	....	140	140	....
Handling of stone, ore, etc.	....	2	40	....	42	42	....
Handling of lumber, paper and other materials	....	2	71	....	73	72	1
Loading or unloading	....	2	139	....	141	141	....
Cause insufficiently described for classification	....	1	52	....	53	52	1
Total	4	18	1,150	3	1,175	1,172	3
FLYING OBJECTS.							
Struck in eye by piece of metal, glass, etc.	....	4	159	....	163	162	1
Other injuries from flying objects	....	1	56	....	57	57	....
Total	....	5	215	....	220	219	1
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.							
	1	3	100	1	105	102	3
MISCELLANEOUS.							
Hand tools (hammers, knives, wrenches, files, etc.)	....	6	169	1	176	169	7
Tools in hands of fellow workmen	....	2	33	1	36	36	....
Injured while fitting and assembling, n. e. s.	....	1	63	1	65	65	....
Hand caught on nail, wire, sharp projection, etc.	1	4	99	....	104	102	2
Hand cut on glass	....	2	15	....	17	16	1
Injured by stepping on nail, sliver, etc.	....	3	71	1	75	74	1
Inhalation of poisonous gases	....	....	5	....	5	5	....
All other causes	1	9	91	2	93	90	3
Total	2	27	536	6	571	557	14
GRAND TOTAL	*40	304	4,895	25	*5,264	*5,075	189

* One not an employee.

TABLE IX.—(b) Causes and Results of Accidents in Fac

CAUSE. [n. e. s.—Not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, fly wheels, etc.)	51	12		9	11	
Air fans, steam pumps, etc.	7	1		2	1	
Gearing on all machines	103	28		8	8	
Set screws	16	7		2	2	
Shafting	22	2			4	
Belts and pulleys	120	20	2	14	13	4
Conveying and hoisting apparatus:						
Elevators and lifts	63	13		3	15	3
Cranes (steam, electric, portable, etc.)	34	5		2	6	
Hoisting and conveying machinery and apparatus, n. e. s.	321	59	4	16	91	7
Locomotives and trains	66	5	1	2	10	
Wood working machines:						
Saws	205	64	1	16	6	1
Planers	37	3		5		
Jointers or buzz planers	23			3	1	
Shapers	17	2		4		
Lathes	2					
Other wood working machines	31	8		7	1	
Paper and printing machinery:						
Barkers	15			7		
Calenders and other paper making machines	55	10	2	4	7	
Paper cutting, stitching and staying machines	65	12		2	9	
Printing presses	33	8		3	5	
Textile machinery:						
Picking machines	11	4		1		
Carding machines	26	4		11	1	
Spinning machines	14	2	1		4	
Looms	26	6		7	3	
Formers, knitting machines and other textile machinery	54	13		6	5	
Sewing machines, etc.	16	3		7	1	
Laundry machines	5	2				
Leather working machinery	23			4	1	
Metal working machinery:						
Stamping machines	185	23		14	9	
Drilling and milling machines	108	22		28	13	2
Screw machines	14	1		4	1	
Lathes	40	4		10	8	
Drop and power hammers	53	7		8	8	1
Shears	30	3		2	5	1
Rollers	44	10	8	3	4	1
Others	137	27	2	21	18	4
Polishing machines:						
Contact with grindstones, emery wheels, etc.	41	12		8		
Struck by fragments of polishing wheels	44	1		6	6	
Other	33	10		4	5	1
Machines used in bakeries, confectionery establishments, etc.	11	1		2	2	
Machines not elsewhere specified	*157	26	1	30	19	4
Total	*2,358	440	22	285	303	29
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.)	19	1		1	2	
Explosion and ignition of gases	37	1	27			
Explosion of boilers and steam pipes	13		5			
Other injuries from steam and hot liquids	69		63			
Caustics	27		20			
Explosion of molten metals	22	1	16		1	
Other accidents from molten metals	75		65			
Vats, pans, etc. (containing hot liquids or caustics)	7		4			
Electricity	72	1	61			
Fire and heat, n. e. s.	111		102	1		
Total	452	4	363	2	3	

*One not an employee.

tories, Quarries and Tunnels, July 1–September 30, 1907.

DISABLEMENT.				Serious injuries, probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internally.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
3	5	1	41	2	1		4		1	1	7	
1			5	1			1				1	
	1	2	47	13			40			2	42	
	1		12	2			1				4	
	6	2	14	3							4	
8	24	1	86	13	1		5	1	1	3	12	
					1							
2	3	1	45	7			2					
2	1	2	18	6		1	3		1	4	7	
										1		
15	35	2	229	41	1		34		3	7	45	
1	13		32	13	2	2	4		2		10	
4	3	3	98	30	1	2	57	2	2	9	73	
1	1		11	3			21			1	23	
	1		4	3			16				16	
	1		7				9				9	
				2								
	4	1	21	4			5		1		6	
	2		9	2			3			1	4	
	1	2	28	16	1		7			3	11	
	1	2	27	13		2	22			1	25	
1	4	1	22	3		1	6			1	8	
3		1	9	2								
	4		20		1		3			2	6	
1			8	3			2			1	3	
1	2		19	4			2			1	3	
1	5	1	31	8			11		3	1	15	
		4	15				1				1	
			2	2			1				1	
2	1	1	9	3		1	6			4	11	
3	1		50	37			95			2	97	1
2	5		75	18			10		1	4	15	
1	1	3	8	3			3				3	
			25	8			5	1		1	7	
	1	1	27	13			10		1	2	13	
	1		14	5			7			4	11	
	5		32	7			3			2	5	
4	9	1	86	22		1	25		1	2	29	
		2	22	11			6			2	8	
	3	11	27	12				3		2	5	
	2	2	26	3			4				4	
			5	2		1	3				4	
5	13	7	*105	22			23		2	4	29	1
69	38	55	*1,371	362	10	11	460	7	21	72	581	44
			9	2	1	1		1			3	5
			31	1						1	1	4
			7	4					1		1	4
	2		64	5								1
			22	1								
			18	1				2			2	1
	1		66	7			1	1			1	1
			4									
	2	3	67							1	1	3
			106	1				1			1	4
												3
	19	3	394	22	1	1		5	1	2	10	26

TABLE IX. —(b) Causes and Results of Accidents in Factories.

CAUSE. [n. e. s.—Not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.	79	5		3	13	13
Fall from machinery, trucks, engines, etc.	72	3		4	13	14
Fall caused by collapse of support	51	1	2	3	11	7
Fall through opening in floor	23			1	5	5
Fall in hoistway, shaft, etc.	9					1
Fall on stairs, steps, etc.	21			2	6	4
Fall on level by slipping	23	2		4	2	9
Fall on level by tripping	21	1			4	5
All others	84	19	1	8	8	16
Total	383	31	3	25	63	74
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.)	74	9		1	14	1
Falling pile of material (lumber, coal, cement, etc.)	52	7		3	21	2
Falling walls, doors and other objects	289	71	2	36	101	3
Tools or weights dropped by person injured	61	18	1	10	23	1
Falling objects dropped by other persons	21	6		5	6	
Heavy materials or parts on which injured persons were at work	137	31		9	46	7
Machinery being moved	45	12		5	9	2
Fall of materials from trucks in transit	47	13		1	16	4
Handling of castings, flasks, etc.	140	37		6	40	20
Handling of stone, ore, etc.	42	11		2	11	1
Handling of lumber, paper and other materials	73	15		5	19	8
Loading or unloading	141	34	1	12	52	7
Cause insufficiently described for classification	53	10		2	13	4
Total	1,175	274	4	97	374	60
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.	163	2	5	19	3	
Other injuries from flying objects	57	17		30	1	
Total	220	19	5	49	4	
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS						
	105	19		4	40	3
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.)	176	42		65	37	2
Tools in hands of fellow workmen	36	14	1	4	9	
Injured while fitting and assembling, n. e. s.	65	11	1	12	14	5
Hand caught on nail, wire, sharp projection, etc.	104	31		44	6	
Hand cut on glass	17	1		16		
Injured by stepping on nail, sliver, etc.	75	42		11		2
Inhalation of poisonous gases	5					
All other causes	93	12	1	10	12	24
Total	571	153	3	162	78	33
GRAND TOTAL	*5,264	940	400	624	86	199

*One not an employee.

Quarries and Tunnels, July 1-September 30, 1907—(Concluded).

DISABLEMENT.				Serious injured, probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internally.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
6	23	3	66	3	1				2	1	4	6
10	14	2	60	3					3	4	7	2
10	12	3	49							1	1	1
2	6	2	21	1						1	1	
1	3		6	1								2
3	3	1	19	1								1
1	2	1	21	1						1	1	
2	2	2	16	2					1	2	3	
7	11	2	72	5			2		2	2	6	1
42	76	16	330	17	1		2		8	12	23	13
7	17	1	50	7			6		2	3	11	6
3	9	2	47	4						1	1	
8	29	5	255	15			6		1	9	16	3
1	3	2	59				1			1	2	
	1		21									
5	8	5	111	15			7		1	3	11	
3	4		35	3			4		2	1	7	
1	2	1	38							2	2	
5	6		115	12			4		5	4	13	
3	1		29	8			2		1	2	5	
4	5	2	58	8			3		1	3	7	
3	12	2	123	6			8		1	2	11	1
	6	1	36	7			6		2	1	9	1
43	103	22	977	92			47		16	32	95	11
	2	64	95	44				23		1	24	
	1	7	56				1				1	
	3	71	151	44			1	23		1	25	
4	17	3	90	9			2		2	1	5	1
5	5	7	163	8			3			2	5	
1	3		32	2			1			1	2	
2	5	1	51	4			8			2	10	
	7	7	95	7			2				2	
			17									
		20	75									
		5	5									
3	11	7	80	8			1		1	1	3	2
11	31	47	518	29			15		1	6	22	2
169	*417	217	*3,831	575	12	12	527	35	49	126	761	97

TABLE X.—IDLENESS OF ORGANIZED WAGE WORKERS IN REPRESENTATIVE UNIONS IN NEW YORK CITY AT THE END OF DECEMBER: (a) 1907.

INDUSTRIES OR GROUPS OF TRADES.	Un-ions.	Mem-bers.	Num-ber idle.	Per cent idle.	Idle on Account of—			
					Lack of work.	Strike or lock-out.	Sickness, accident or old age.	Other reasons.
1. Building, Stone Working, Etc.	30	23,341	10,507	45.0	10,256		229	22
Stone working.....	1	675	350	51.9	350			
Building and paving trades.....	26	20,469	9,128	44.6	8,877		229	22
Building and street labor.....	3	2,197	1,029	46.9	1,029			
2. Transportation.....	8	5,924	1,620	27.3	1,165	350	105	
Railways.....	2	649	20	3.1	15		5	
Teaming and cab driving.....	3	3,200	975	30.5	875		100	
Freight handling.....	2	825	275	33.3	275			
Telegraphs.....	1	1,250	350	28.0		350		
3. Clothing and Textiles.....	11	8,643	4,642	53.7	4,301	175	66	100
Garments.....	8	7,225	4,445	61.5	4,140	175	30	100
Hats, caps and furs.....	2	818	143	17.5	118		25	
Boots, shoes and gloves.....	1	600	54	9.0	43		11	
4. Metals, Machinery and Shipbuilding.....	14	6,228	1,799	28.9	1,670	16	113	
Iron and steel.....	10	5,061	1,293	25.5	1,217	13	63	
Metals other than iron and steel.....	3	517	156	30.2	153	3		
Shipbuilding.....	1	650	350	53.8	300		50	
5. Printing, Binding, Etc.....	2	6,950	776	11.2	421	14	341	
6. Wood Working and Furniture.....	7	2,913	853	29.3	801	35	17	
7. Food and Liquors.....	7	3,479	398	11.4	367		31	
Food products.....	5	1,571	282	18.0	281		1	
Beverages.....	2	1,908	116	6.1	86		30	
8. Theaters and Music.....	1	925						
9. Tobacco.....	2	1,793	1,487	82.9	1,273		70	144
10. Restaurants and Retail Trade.	4	1,756	325	18.5	270		55	
Hotels and restaurants.....	3	1,675	325	19.4	270		55	
Retail trade.....	1	81						
11. Public Employment.....	1	1,713	16	0.9			16	
12. Stationary Engine Men.....	2	1,779	68	3.8	59	2	7	
13. Miscellaneous.....	3	676	136	20.1	133		3	
Leather and leather goods.....	1	166	66	39.8	63		3	
Glass and Glassware.....	2	510	70	13.7	70			
Total.....	92	66,120	22,627	34.2	20,716	592	1,053	266

TABLE X.—IDLENESS OF ORGANIZED WAGE WORKERS IN REPRESENTATIVE UNIONS IN NEW YORK CITY AT THE END OF DECEMBER: (b) 1906.

INDUSTRIES OR GROUPS OF TRADES.	Un-ions.	Mem-bers.	Num-ber idle.	Per cent idle.	Idle on Account of—			
					Lack of work.	Strike or lock-out.	Sickness, accident or old age.	Other reasons.
1. Building, Stone Working, Etc.	30	22,634	4,439	19.6	3,830	36	209	364
Stone working.....	1	1,000	200	20.0	200	.....	.....	.....
Building and paving trades.....	26	19,255	3,472	18.0	2,930	36	199	307
Building and street labor	3	2,379	767	32.2	700	.....	10	57
2. Transportation.....	8	6,571	612	9.3	575	.....	32	5
Railways.....	2	633	12	1.9	.....	.....	7	5
Teaming and cab driving	3	3,150	590	18.7	565	.....	25	.....
Freight handling.....	2	928	10	1.1	10	.....	.....	.....
Telegraphs.....	1	1,880	.....	.....	.....	.....	.....	.....
3. Clothing and Textiles.....	10	5,722	873	15.3	555	122	96	100
Garments.....	7	4,472	847	18.9	555	122	70	100
Hats, caps and furs.....	2	750	26	3.5	.....	.....	26	.....
Boots, shoes and gloves.....	1	500	.....	.....	.....	.....	.....	.....
4. Metals, Machinery and Shipbuilding.....	14	5,682	279	4.9	82	130	53	14
Iron and steel.....	10	4,515	138	3.1	82	2	53	1
Metals other than iron and steel.....	3	539	13	2.4	.....	.....	.....	13
Shipbuilding.....	1	628	128	20.4	.....	128	.....	.....
5. Printing, Binding, Etc.	1	6,728	906	13.5	228	360	318	.....
6. Wood Working and Furniture.....	7	2,943	399	13.6	218	.....	28	153
7. Food and Liquors.....	7	3,382	214	6.3	191	.....	23	.....
Food products.....	5	1,532	149	9.7	146	.....	3	.....
Beverages.....	2	1,850	65	3.5	45	.....	20	.....
8. Theaters and Music.....	1	845	.....	.....	.....	.....	.....	.....
9. Tobacco.....	2	1,924	51	2.7	25	.....	25	1
10. Restaurants and Retail Trade.	4	1,776	61	3.4	45	.....	14	2
Hotels and restaurants.....	3	1,046	61	3.7	45	.....	14	2
Retail trade.....	1	130	.....	.....	.....	.....	.....	.....
11. Public Employment.....	1	1,980	38	1.9	.....	.....	38	.....
12. Stationary Engine Men.....	2	1,331	29	2.2	23	1	5
13. Miscellaneous.....	3	695	37	5.3	27	6	4
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Glass and glassware.....	2	525	22	4.2	15	6	1
Total.....	90	62,213	7,938	12.8	5,799	654	841	644

STATE OF NEW YORK

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DEPARTMENT OF LABOR
BULLETIN

1908

Volume X
(Nos. 36 39)



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1909

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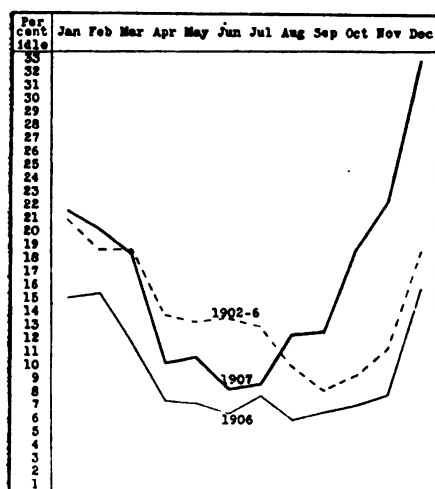
ALBANY, March, 1908

Whole No. 36

EDITORIAL SUMMARY.

Monthly returns as to unemployment from selected trade unions throughout the State representing approximately 100,-

The State Employment.



000 organized wage earners reflect very clearly the disastrous effects upon the labor market of the financial panic of last October. During the first six months of 1907 idleness among trade unionists was greater than the year before, but continued improvement had by mid-summer reduced the percentage of unemployment very nearly to the record in 1906 (8.5 as compared with 7.6), this improvement of the first half year having been mainly due

to increasing activity in the New York City building trades. But the improvement in those trades was interrupted in July, followed by a marked relapse in August and this, coupled with the extensive strike of commercial telegraphers, sent the proportion of idle unionists suddenly upward in the latter month. Conditions in the building trades did not improve in September, while idleness due to lack of work increased in the clothing and metal trades so that by October 1, the proportion of unionists unemployed was nearly twice as great as in 1906 and much above the average for 1902 to 1906. Upon the labor market, thus already unfavorable, came the violent depression following close after the October panic causing great increase of idleness in nearly all

of the principal organized trades, and leaving approximately every third member of the representative unions reporting, or 32.7 per cent of the membership, idle at the end of December as compared with percentages varying from 11.1 to 23.1, with an average of 18.3, for the year 1902-6. This proportion for the State as a whole does not quite equal that for New York City (34.2 per cent), reported in the last BULLETIN, indicating slightly worse conditions in the metropolis than in the remainder of the State. The worst conditions at the close of the year appear in the building, clothing, metal and tobacco trades, with percentages of idleness of 42.1, 43.6, 30.9 and 55.0 respectively. Among the principal industries one exception to the prevailing unfavorable conditions appears in the printing trades with a percentage of idleness (11.1) which compares not unfavorably with previous years.

* * *

Industrial Relations. Strikes and lockouts and the number of employees participating in them were less numerous in the fourth quarter of 1907 than in 1906, but were still much above the figures for 1905, 1904 or 1903. Thirty-five strikes or lockouts involving directly 7,522 workpeople were begun in the fourth quarter, 1907, as compared with 43 new disputes with 9,095 employees directly concerned in the same period of 1906. During the five months from October 1, 1907, to March 1, 1908, the State Bureau of Mediation and Arbitration intervened in 21 industrial disputes, all strikes or lockouts save one. In the latter instance, a shoe manufacturing firm of New York City and the union of its employees submitted a question of piece prices to arbitration by a representative of the Bureau. This is the first case of arbitration by the Bureau since 1905, and the second since 1902. The total effects of intervention can not well be expressed numerically of course since advice or suggestion may have an indirect effect when no immediate results are evident. But in five of the 21 interventions, including the arbitration case, settlements resulted immediately and directly from the Bureau's efforts. The unfavorable relations in the important book and job printing industry of New York City, growing out of the determination of

the United Typothetæ to maintain "open shop" conditions following the compositors' strikes for eight-hours in 1906, have recently been considerably improved through the formation of a new employers' association, The Printers' League, now representing over 50 firms and 5,500 employees, which has signed arbitration agreements and scales with the compositors and pressmen and preliminary agreements with the press feeders and assistants, a general scale for the latter being under arbitration. A new Bookbinders' League, similar to The Printers' League, has signed agreements with the several local unions of bookbinders in the metropolis. On the other hand an untoward incident in the field of collective bargaining appears in the recent controversy between the national Typothetæ and the Printing Pressmen's Union over the validity of their national agreement negotiated last year to succeed a five year agreement made in 1902, in the course of which appeals were made to New York State, as well as federal courts for injunctions to prevent strikes as being infringements of the agreement.

■ ■ ■

**Factory
Inspection.**

The BULLETIN publishes an article by Chief Factory Inspector Walling containing suggestions to deputy factory inspectors on ventilation. "I believe," says the Chief Inspector, "we are justified in demanding a system that will furnish in ordinary trades a minimum of 2,000 cubic feet of fresh air per hour for each person, and the removal of the same amount, which supply under no circumstances should fall below 1,500 cubic feet per hour." The summary of work of deputy inspectors for the fourth quarter of 1907 shows 130 prosecutions begun as compared with 99 in the fourth quarter of 1906. The great majority of these (123) were child labor cases including 44 for violation of the new eight-hour law of 1907 for children under sixteen and one for violation of the provision of that statute which forbids the work of such children after five o'clock P. M. Advance summaries of statistics of employees in factories for the year ended September 30, 1907, show a total of 1,139,788 employees in the 40,118 establishments inspected during the year.

Of these 1,086,555 were shop employees as distinguished from office force, including 309,505 women over sixteen years of age. Children between 14 and 16 years old numbered 14,328 of whom 13,911 were in the shops. The proportion of children 14 to 16 years of age to total employees, both office and shop, was 12.5 in 1907 or practically the same as in 1906 when the proportion was 12.4.

* * *

**Industrial
Accidents.**

During the year ended September 30, 1907, a total of 19,431 employees in factories and quarries in New York State were reported injured by accidents. This is nearly 6,000 greater than the number reported in 1906 and not far from four times the number which was reported in 1903. This increase represents only a nearer approach to complete returns and has no significance as to whether factory accidents are on the increase or not. Notwithstanding the great progress toward completeness which has been made, it can not yet be said that that goal has been attained, as pointed out in the annual report of the Commissioner of Labor for the year in question. Fatal accidents reported in 1907 numbered 344 as compared with 259 for the year before. During October, November and December of 1907 there were 4,364 accidents reported as compared with 4,616 in the same months of 1906, the decrease being doubtless due to decreased forces in factories on account of the business depression. Fatal accidents for the quarter numbered 78 against 86 the year before.

* * *

**United States
Supreme
Court
Decisions.**

The BULLETIN contains the prevailing opinions delivered in the four recent decisions of the United States Supreme Court touching the interests of labor. First among these is the unanimous decision upholding the constitutionality of the Oregon ten-hour law for women in laundries, which is based on such broad grounds as to virtually lay a solid basis of constitutionality for the limitation of working hours for women by State laws generally, bringing thus certainty where before considerable uncertainty had existed,

especially in this State in view of the tenor of the opinion in the recent adverse decision of the Court of Appeals on the prohibition of night work of women. A second decision holds unconstitutional the Federal Employers' Liability Act of 1906 because that law was so drawn as to apply to the employees of an inter-state carrier who might be engaged solely in transportation entirely within a single State and hence not in inter-state commerce over which alone Congress has authority. This in no wise affects the power of Congress to pass a liability law, but only limits more narrowly than was anticipated the field over which a federal law on the subject may operate. It can scarcely be doubted that a new law conforming to the limits indicated by the decision will speedily be enacted in view of the fact that since the decision the President has twice in special messages urged the passage of such an act and a bill therefor has already passed the House. Another much discussed decision, that in the hatters' boycott case, declares that a boycott which affects inter-state trade constitutes combination in restraint of trade which is prohibited by the Sherman anti-trust act of 1890. For the first time the legal status of boycotting becomes to some extent clear; that is, if a boycott aims to restrain trade which is inter-state in character it is illegal. But the decision does not throw any light on the legal aspects of boycotting *per se*. The legality of a boycott which affects only trade within a State remains as before a question surrounded by considerable obscurity both as to common and statute law. The fourth decision holds invalid a clause of the Erdman law of 1898 for the settlement of railway labor disputes, which made it a criminal offense to discharge an employee for membership in a labor organization, on the ground that such a prohibition interferes with the liberty of contract guaranteed by the constitution. So far as New York State is concerned this decision is of little practical import because the Court of Appeals in 1906 declared unconstitutional on similar grounds a State law of 1887 of the same tenor (*People v. Marcus*, 185 N. Y. 257). Furthermore such laws in this and other States have long been generally ignored, unionists depending for protection from discrimination upon the strength of their organizations.

THE STATE OF EMPLOYMENT, JULY-DECEMBER, 1907.

In the last BULLETIN were published returns of unemployment in December for New York City furnished by certain representative trade unions. Similar returns from representative unions throughout the state, now completed and summarized in Tables V and VI of the Appendix, make possible in this BULLETIN a review for the state as a whole not only of conditions at the end of December but of the course of unemployment during the last six months of 1907.

It was found that in New York City the proportion of unemployment at the end of December (34.2 per cent) greatly exceeded that for any other year since 1902. The same general result appears in the returns for the entire state, but the proportion for the state, 32.7 per cent, is neither so large as that for New York City nor does it exceed the figures for previous years so greatly, indicating that at the close of the year conditions were relatively worse in New York City than in the remainder of the state. The exceptional character of conditions in the metropolis in December is further emphasized by the fact that for three years back the proportion of idleness at that time of year for the state as a whole has exceeded that for New York City, thus:

PERCENTAGE OF IDLENESS IN REPRESENTATIVE UNIONS.

	1904.	1905.	1906.	1907
New York State.....	19.6	11.1	15.4	32.7
New York City.....	17.8	6.7	12.8	34.2

The course of the organized labor market in 1907, in comparison with other recent years, is indicated in the following table:

NUMBER AND PROPORTION OF UNEMPLOYED WAGE EARNERS IN REPRESENTATIVE UNIONS.

MONTH.	NUMBER REPORTING.		IDLE AT END OF MONTH.		PERCENTAGE IDLE.				
	Unions.	Members.	Number.	Per cent.	1906.	1905.	1904.	1903.	1902-3.
January.....	191	92,871	20,007	21.5	15.0	22.5	25.8	20.5	20.9
February.....	191	92,797	18,653	20.1	15.3	19.4	21.6	17.8	18.6
March.....	191	93,242	17,018	18.3	11.6	19.2	27.1	17.6	18.6
April.....	191	94,402	9,563	10.1	7.3	11.8	17.0	17.3	13.7
May.....	191	94,755	9,955	10.5	7.0	8.3	15.9	20.2	13.1
June.....	191	95,840	7,809	8.1	6.3	9.1	13.7	23.1	13.3
July.....	194	100,965	8,585	8.5	7.6	8.0	14.3	17.8	12.8
August.....	193	100,025	12,135	12.1	5.8	7.2	13.7	15.4	9.8
September.....	193	98,224	12,089	12.3	6.3	5.9	12.0	9.4	8.0
October.....	194	99,121	18,296	18.5	6.9	5.6	10.8	11.7	9.2
November.....	194	98,068	21,596	22.0	7.6	6.1	11.1	16.4	11.1
December.....	194	97,732	31,917	32.7	15.4	11.1	19.6	23.1	18.3
Mean for year .....	.....	.....	.....	16.2	9.3	11.2	16.9	17.5	13.9

Throughout the year, so far as organized workpeople were concerned, the state of employment in 1907 was less favorable than in 1906. But 1906 was a record year, and up to the middle of Summer, 1907 compares not unfavorably with the years before 1906. Moreover, conditions during the first half of 1907 improved so rapidly that the comparison with 1906 was less and less unfavorable until July, when the percentage of unemployment was less than one point higher than in 1906. But in August a sharp change for the worse appears and both in that month and in September the proportion of unemployment exceeded not only that of 1906 but also the mean percentage for 1902 to 1906. As indicated in the September and December (1907) BULLETINS the chief determining factor as to idleness among the organized wage workers up to October was the condition of things in the highly organized building trades of New York City in which are one-fourth of all the state's trade unionists. In the last three months of the year, however, with their increasing percentages of idleness far exceeding those for any other recent year, the business depression following the financial panic of October was the dominant element. The fact is brought out in the following tables, in which "lack of work" or slack trade is shown to have been the dominant factor in the increase of idleness in December as compared with September, 1907, or of idleness at the end of December in 1907 as compared with 1906.

CAUSES OF IDLENESS IN REPRESENTATIVE UNIONS AT THE END OF EACH MONTH,
JULY - DECEMBER.

MONTH.	LABOR DISPUTES.		DISABILITY.		ALL OTHER CAUSES.	
	1907.	1906.	1907.	1906.	1907.	1906.
July.....	1,894	1,828	1,249	953	5,442	4,448
August.....	3,143	727	1,305	939	7,687	3,796
September.....	1,401	740	1,209	1,198	9,479	4,021
October.....	1,006	1,132	1,320	1,085	15,970	4,166
November.....	557	978	1,457	1,162	19,582	4,912
December.....	592	659	1,505	1,312	29,820	12,381

CAUSES OF IDLENESS IN DETAIL.

CAUSE.	NUMBER IDLE.		
	Sept., 1907.	Dec., 1907.	Dec., 1906.
Lack of work.....	8,191	24,655	6,926
Lack of material.....	1,076	49	324
Weather.....	38	4,543	4,764
Labor disputes.....	1,401	592	650
Disability.....	1,209	1,505	1,312
Other reasons.....	174	573	367
Total.....	12,089	31,917	14,359

The effect of the October crisis upon the amount of unemployment in the closing months of 1907 is shown for separate industries or groups of trades in the table below. It is the building, clothing, metal and tobacco trades in which the worst conditions appear. The statistics of building operations for October to December reported by city building departments (see Appendix, Table VII) give evidence of the depression in the building trades in New York City, Rochester and Troy. In Buffalo and Syracuse, on the contrary, the building operations authorized in the fourth quarter were as extensive as in 1906. In the building, metal and tobacco trades there has been nothing in the last half-dozen years to compare with the amount of unemployment existing in the closing months of 1907. In clothing there is an equally great increase over 1904, 1905 and 1906, but in 1902 and 1903 there was idleness in those trades but little below that shown for 1907.

In transportation a heavy increase of idleness in October, November and December due to lack of work is here concealed by an altogether exceptional amount of idleness in August and September, which was due to the strike of commercial telegraphers. In the woodworking and furniture trades conditions in 1907 appear very unfavorable as compared with 1905 or 1906, but no worse than in 1903 and 1904.

In the other industries represented no such marked contrasts between 1907 and previous years, as those above noted, appear. Of these others the most important is the printing industry, which does not appear to have suffered seriously from the depression since October, the proportion of idleness being in fact as low in 1907 as in other recent years except 1904, although it should be borne in mind that in 1906 there was an exceptional amount of idleness in this industry on account of the eight-hour strikes.

**PERCENTAGE OF UNEMPLOYED MEMBERS OF REPRESENTATIVE TRADE UNIONS AT THE
END OF—**

GROUPS OF TRADES.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Mean for six mos.
1. Building, stone working, etc.:							
1902.....	12.9	7.6	5.1	14.2	13.4	25.6	13.1
1903.....	29.7	20.8	12.3	9.5	18.8	27.4	19.8
1904.....	12.9	19.8	15.2	12.6	17.1	32.9	18.4
1905.....	5.6	4.5	2.5	5.2	7.5	8.4	5.6
1906.....	10.8	6.9	6.4	7.3	10.2	19.2	10.1
1907.....	11.4	18.5	18.1	25.1	32.5	42.1	24.6
2. Transportation:							
1902.....	8.0	6.9	7.9	6.7	4.7	22.4	9.4
1903.....	5.8	4.6	4.3	11.0	13.5	39.9	13.2
1904.....	8.6	8.8	9.2	6.5	6.2	28.8	11.4
1905.....	7.7	6.8	4.2	3.2	3.7	29.2	9.1
1906.....	4.3	3.3	4.6	4.3	4.5	29.1	8.4
1907.....	4.0	17.8	13.0	13.1	11.7	38.5	16.4
3. Clothing and textiles:							
1902.....	34.3	3.9	6.6	18.1	36.9	39.5	23.2
1903.....	21.8	27.5	11.6	22.9	32.7	35.9	25.4
1904.....	37.1	19.1	18.9	16.3	14.1	14.4	20.0
1905.....	11.1	9.6	11.9	10.8	8.5	7.3	9.9
1906.....	5.2	3.5	8.0	9.4	8.4	11.5	7.7
1907.....	15.4	7.1	10.7	35.5	36.4	43.6	24.8
4. Metals, machinery, etc.:							
1902*.....	4.0	2.9	3.8	3.1	4.7	9.1	4.9
1903.....	8.4	13.8	7.8	10.5	12.0	14.1	11.1
1904.....	13.2	10.0	8.0	9.5	8.8	8.8	9.7
1905.....	5.0	4.7	4.5	3.4	4.1	3.8	4.3
1906.....	3.5	4.0	2.8	8.8	7.5	6.2	5.5
1907.....	5.4	7.4	12.0	16.0	24.7	30.9	16.1
5. Printing, binding, etc.:							
1902.....	13.6	12.8	12.3	10.9	11.0	12.6	12.3
1903.....	13.3	13.2	12.0	12.2	11.8	13.6	12.7
1904.....	10.8	9.9	8.5	9.8	9.8	9.4	9.7
1905.....	9.3	9.2	11.3	10.8	13.0	12.1	11.0
1906.....	15.8	15.7	15.5	15.8	14.4	13.2	15.1
1907.....	11.5	10.3	12.1	12.3	11.7	11.1	11.5
6. Woodworking and furniture:							
1902.....	18.6	14.5	7.7	9.7	15.1	21.2	14.5
1903.....	29.1	23.1	20.5	19.4	21.5	26.3	23.3
1904.....	36.8	27.6	25.2	19.3	18.5	26.2	25.6
1905.....	12.1	12.5	12.6	3.9	4.0	3.3	8.1
1906.....	13.5	10.9	9.0	7.5	6.9	12.9	10.1
1907.....	10.9	11.4	9.3	23.3	23.9	27.9	17.8
7. Food and liquors:							
1902.....	11.2	9.9	8.1	10.9	5.7	12.6	9.7
1903.....	7.2	6.8	6.8	8.6	7.4	5.1	7.0
1904.....	5.9	7.4	8.2	16.9	10.6	10.9	10.0
1905.....	5.2	6.0	7.3	6.9	6.6	6.3	6.4
1906.....	5.6	5.5	7.2	6.1	5.5	5.9	6.0
1907.....	5.3	6.6	8.3	9.1	9.0	10.1	8.1
8. Theaters and music:							
1902.....	29.0	20.0	0.3	8.9	8.9	8.9	12.7
1903.....	19.5	16.6	1.7	12.9	16.7	10.0	12.9
1904.....	17.4	15.6	13.6	13.3	12.7	12.4	14.2
1905.....	24.7	21.1	11.6	4.9	4.9	4.9	12.0
1906.....	24.8	10.7	4.2	7.3	6.8	6.8	10.1
1907.....	7.0	4.0	4.4	4.5	4.4	4.4	4.8

* Includes Group 12.

[PERCENTAGE OF UNEMPLOYED MEMBERS, ETC. — Continued.]

GROUPS OF TRADES.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Mean for six mos.
9. Tobacco:							
1902.....	4.5	6.7	3.9	3.1	1.9	9.1	4.9
1903.....	6.8	5.9	3.2	3.4	4.0	18.7	7.0
1904.....	10.2	4.1	4.7	3.4	2.8	9.8	5.8
1905.....	8.3	7.8	2.9	2.2	2.3	10.9	5.7
1906.....	5.1	3.1	7.2	2.7	2.4	6.2	4.5
1907.....	6.5	4.4	4.9	3.4	17.7	55.0	15.3
10. Restaurants, retail trade:							
1902.....	2.0	10.5	7.3	7.9	3.8	11.1	7.1
1903.....	4.4	2.8	6.4	9.3	9.4	11.4	7.3
1904.....	16.1	4.3	9.1	4.6	5.8	5.4	7.6
1905.....	4.9	5.6	6.7	13.0	7.3	11.3	8.1
1906.....	2.6	1.7	7.1	4.9	4.4	3.9	4.1
1907.....	5.8	3.1	4.5	11.5	10.4	15.2	8.4
11. Public employment:							
1902.....	6.0	6.0	6.1	4.7	1.5	2.5	4.5
1903.....	9.4	8.6	10.8	11.7	14.0	11.7	11.0
1904.....	8.1	9.0	9.3	6.0	6.1	5.0	7.3
1905.....	4.8	4.7	4.7	2.4	2.0	2.6	3.5
1906.....	1.9	2.2	1.5	1.2	1.2	1.9	1.7
1907.....	0.7	0.9	2.3	0.8	0.6	0.8	1.0
12. Stationary engine men:							
1902.....	†	†	†	†	†	†	†
1903.....	3.3	3.1	3.2	3.0	3.2	3.3	3.2
1904.....	5.1	3.9	3.1	2.8	1.9	1.8	3.1
1905.....	2.7	2.7	3.0	2.4	2.7	3.9	2.9
1906.....	0.8	2.1	2.4	1.9	1.9	1.7	1.8
1907.....	1.4	1.3	1.3	1.7	2.9	3.2	2.0
13. Miscellaneous:							
1902.....	22.0	1.2	0.4	1.9	5.0	11.9	7.1
1903.....	20.8	13.1	6.2	7.5	7.5	5.1	10.0
1904.....	14.8	3.6	3.0	4.9	3.9	4.5	5.8
1905.....	1.2	2.2	2.8	3.3	3.0	3.1	2.6
1906.....	1.6	3.1	2.1	3.2	3.9	3.0	2.8
1907.....	1.9	4.7	3.4	5.6	6.7	10.6	5.5

† Included in Group 4.

INDUSTRIAL RELATIONS IN NEW YORK.

Statistics of Disputes in October, November and December.

The records of the Bureau of Mediation and Arbitration show a decrease in the number of disputes begun in October, November and December, 1907, as compared with the corresponding period of 1906. Similarly the number of employees directly concerned in strikes or lockouts begun in the fourth quarter was smaller in 1907 than in 1906. The record for 1907, however, is still considerably above that for 1903, 1904 or 1905.

FOURTH QUARTER.					
	1907.	1906.	1905.	1904.	1903.
Number of new disputes.....	35	43	26	11	17
Employees directly concerned.....	7,522	9,095	2,665	2,083	4,140

In the 35 disputes begun in the last quarter of 1907, 7,522 workmen were directly involved and 24 others not on strike were thrown out of employment. For those on strike the total loss of working time within the quarter was 68,461 days and 220 days for those indirectly concerned. But in order to estimate the entire loss of time as the result of industrial disputes it is necessary to add the amount of time lost during the fourth quarter in strikes begun previous to October. This far exceeded the time lost in new disputes and brings the total of lost time up to 172,968 days for those directly concerned, or, adding the idleness of those indirectly affected, to 194,644 days as the aggregate time lost in disputes in the fourth quarter of 1907. This very nearly equals the 200,000 days lost in the fourth quarter of 1906.

Of the new disputes of the fourth quarter eight caused a loss of more than 2,000 days working time as compared with twelve in the same period of 1906. These disputes, all of which occurred in New York City, account for the loss of 57,735 working days.

LOCALITY.	Trade.	Date.	EMPLOYEES AFFECTED.		Aggre- gate days lost.
			Di- rectly.	Indi- rectly.	
New York City...	Boatmen.....	Nov. 1-30.....	1,800	.....	14,740
New York City...	Tailors and finishers....	Dec. 16-Jan. 4....	1,000	.....	*10,720
New York City...	Underwear makers.....	Nov. 21-Jan. 4....	285	.....	*9,975
New York City...	Shirt waist makers.....	Oct. 21-Dec. 24...	138	.....	7,452
New York City...	Bookbinders.....	Oct. 1-Nov. 30....	180	.....	5,700
New York City...	Sewing machine agents.	Nov. 18-Jan. 8....	135	.....	*4,505
New York City...	Bookbinders.....	Oct. 1-10.....	290	.....	2,610
New York City...	Pressmen and feeders..	Oct. 4-Feb. 25....	709	.....	2,033

A summary of the disputes of the fourth quarter by causes and results shows that half the disputes were for reduction of hours and to enforce principles of trade-unionism. Next in importance come demands for increases in wages and four cases of resistance to reduction of wages are chronicled. In nine cases the workmen were wholly successful in enforcing their demands and partially successful in nine others. It is not surprising in view of the unfavorable state of the labor market during the quarter that in not a single case were the workmen wholly successful in enforcing demands for increased wages or in resisting reductions and were, in fact, totally defeated in eight out of eleven disputes concerning wages. On the other hand, the workmen were more successful in securing reductions in working time, receiving their full demands in one case and a substantial part in six others and losing their point in but two.

CAUSE OR OBJECT.	WON BY—		Pending or not reported.	Total.	Employees directly concerned.
	Workers.	Em- ployers.			
Increase of wages.....	.....	4	2	1	7
Against reduction of wages.....	.....	4	.....	.....	4
Reduction of hours.....	1	2	6	.....	9
Longer hours.....	1	.....	.....	.....	1
Trade unionism.....	5	4	.....	.....	9
Employment of particular classes or persons.....	2	.....	1	.....	3
Working arrangements.....	.....	1	1	.....	2
Total disputes.....	9	15	10	1	35
Employees directly concerned.....	1,279	1,413	3,630	1,200	7,522

* To December 31.

Intervention by Bureau of Mediation and Arbitration.

ERIE RAILROAD MACHINISTS.

As a result of failure to agree on the subject of abolition of piece work, a general strike of machinists employed by the Erie Railroad was inaugurated May 24, 1907. While the union reports for the whole system indicate that upwards of 1,000 employees were directly affected, the number located in New York State was approximately 280. The Bureau made several efforts to effect conciliation in this dispute extending over several months, but in addition to the handicap of having jurisdiction over only a small portion of the territory involved, it was continually confronted with the proposition that while the employing corporation was willing to confer and negotiate as to the adjustment of piece work prices it was not willing to consider the abolition of piece work. On the other hand the employees' representatives positively refused to discuss any proposition that did not involve the abolition of piece work. This issue being clearly joined, the discussion of any other matters in dispute was impossible. The employing corporation made continuous efforts to fill the places of the men on strike and contended that they had succeeded in doing so. If so the character of service rendered would appear to have been unsatisfactory since a settlement with the strikers was effected on February 29, 1908. This settlement was effected through a conference of the general officers of the Erie Railway, International President O'Connell of the machinists' union and a committee of the strikers. It would seem to carry with it the abolition of all piece work for machinists, which was the main point for which they contended, but at the same time a reduction in wages. It must, therefore, be looked upon as a compromise. The agreement embodying the terms of settlement was as follows:

Agreement to Settle Erie Machinists' Strike.

To take all men back to work as fast as can find places.

All men to return to day work, and all men receiving over \$80.00 per month to accept a 15 per cent reduction, and all men receiving from \$50.00 to \$80.00 per month to accept a reduction of 10 per cent. In fixing the compensation of machinists who are returning to the employ of the company, the proposed reduction will effect their former rate. For example: A man

who was drawing \$3.00 per day when he left the employ of the company would have his reduction made from that basis, and so on, either up or down.

The company will not in any way discriminate or hold a personal feeling against any man who went on strike.

The company will not hire any new man until after all strikers have been reinstated. The men who were in the employ of the company and seek re-employment are to be given preference.

The Erie Railroad Company will agree to have no piece work on piston rods, piston heads, boring of cylinders, bunchings, cross heads, guide rods or pins, the intention being to have no piece work on locomotives from the outer end of the piston rod to the rear end of the side rod including pins. This includes the machining of said work. There is to be no piece work in round-houses.

On or before July 1, 1908, a shop schedule will be prepared, and when prepared opportunity will be given to discuss the conditions therein contained.

INTERVENTIONS FROM OCTOBER 1, 1907, TO MARCH 1, 1908.

Following is a synopsis of interventions in disputes reported by the Bureau of Mediation and Arbitration for the five months from October 1, 1907, to March 1, 1908, exclusive of some continued efforts for conciliation in the Erie Railroad machinists' dispute. Interventions, in some cases more than one in the same controversy, occurred in 21 different disputes, all strikes or lock-outs save one (the arbitration case noted below). All were cases of conciliation by individual representatives of the Bureau except one in which an official of the Bureau upon request of the parties rendered an arbitration award. This is the first case of arbitration by the Bureau since 1905, and is recounted more fully in the following pages than the other interventions in the period covered by this record.

Firthcliffe: 228 carpet-makers in one establishment struck August 22nd for a 15 per cent increase in wages; 447 others were rendered idle. October 9th the Bureau intervened, arranging a conference between mill superintendent and union committee; employers refused any increase in wages, but granted additional help and agreed to take back strikers as places became vacant without discharge of those hired during strike. Employees refused to return to work unless all strikers were given their old places. Strike was later declared off by union, terminating November 26th.

Garbutt: 60 gypsum miners in two mines struck December 2nd against a wage reduction. Bureau intervened December 6th, but was unable to bring about a conference, the employers stating that on account of business depression they had no work for the strikers on any terms. Strike virtually ended by permanent reduction of force.

Ithaca: 72 tailors in seven establishments struck September 30th against "open shops;" Bureau intervened October 18th; efforts for conference met by agreement to confer by employees but refusal by employers. Second intervention at request of union, November 18th; efforts for conference again blocked by refusal of employers to treat with strikers. Third intervention at request of union January 15th; union induced to send separate committee of his own employees to each employer, the latter agreeing to receive such committees. Strike pending March 1st.

Little Falls: 41 jackspinners in one mill struck January 2nd against employment of Poles as helpers, 20 others being rendered idle. Bureau intervened January 8th and found a local Citizens' Conciliation Committee had brought about conferences between the parties. Arrangements were made by the Bureau for future coöperation with the Conciliation Committee, if necessary. Strike pending March 1st.

Mechanicville: 350 pulp and paper mill employees in one plant struck July 27th for establishment of three-tour system, 300 others being thrown out of work. At the request of the union the Bureau intervened on August 1st, but employers refused to meet strikers or consider their demands. Second intervention on October 2nd, with the same result. Strike declared off December 12th.

New York City: 160 bookbinders in three shops struck October 1st for reduction of hours. Bureau intervened November 8th; employers refused to meet union representatives declaring for "open shop." Strikers found work in other shops by end of November.

New York City (Brooklyn): 1,000 coat makers in 22 shops struck December 16th against increase of hours from 55 to 56 per week. Bureau intervened December 23rd and December 27th and brought about conferences between representatives of each side, which resulted in an agreement to continue 55 hours, and in return to work by strikers on December 27th (820) and January 6th (130).

New York City: 40 coat makers in one shop struck on January 4th against an increase of hours from 5 to 9 on Saturday, 100 others being thrown out of work. Bureau intervened January 9th, requesting employer to meet a committee of his employees, but he refused. Strike virtually terminated on January 4th by determination of firm to leave strikers' places vacant on account of dull times, the others returning to work.

New York City: 50 ladies' garment workers in one shop struck January 24th for a wage increase. Bureau intervened January 27th; the employer refused to meet a committee of his employees, declaring places of strikers had been filled. January 29th twenty strikers returned to work; places of others filled with new hands.

New York City: 70 housesmiths and bridgemen in three shops struck October 5th against employment of non-union men and for double pay for overtime. Bureau intervened on October 7th; employers refused to meet or confer with representatives of the union. On November 6th strike was declared off and twenty strikers returned to work under old conditions, places of others being filled with new hands.

New York City: 30 knee pants makers in one factory struck November 11th against a wage reduction. Bureau intervened November 21st; proposed a

conference, but employer refused to meet the strikers. Ten of the strikers returned to work January 4th on employer's terms; places of others filled with new hands.

New York City: 40 neckwear makers in one factory struck December 2nd against a wage reduction. Bureau intervened December 13th; conference proposed, but employer refused to meet any committee of former employees. Dispute not terminated, but employer reported December 6th that shop was running full-handed.

New York City: 21 pressmen in one shop struck November 18th for reduction of hours from 9 to 8 per day. Bureau intervened February 25th; conference arranged between president of union and head of firm, resulting in agreement for nine hours with overtime pay for one hour, work being resumed on February 26th.

New York City: 135 sewing machine agents struck November 18th for reinstatement of a discharged agent. At the request of employees Bureau intervened December 3rd; employees agreed to arbitrate dispute, but employers refused to meet strikers, declaring there was nothing to arbitrate. Second intervention, at request of union, on January 6th; conference between representatives of each side arranged; proposition of employers accepted by union representative and later by union, but on following day (January 10th) repudiated by employers. Strike declared off by union on January 23rd.

New York City: 138 shirtwaist makers in one factory struck October 21st for reinstatement of discharged union members. Bureau intervened November 14th and arranged a conference of the parties on that day. The employers refused any concessions but agreed to re-employ strikers as individuals when they were needed. Fifty strikers returned to work December 24th; the others sought work elsewhere.

New York City: Shoe workers. (See account of arbitration below.)

New York City: 1,800 tide-water boatmen employed by 88 concerns struck November 1st for increase in wages of \$5 or \$10 per month. Bureau intervened November 2nd; arbitration by State Board proposed; employers refused to arbitrate or to meet a committee of the union. Final settlements by negotiations between individual employers and union resulting in advances for 1,300 strikers on November 4th and for 320 on November 18th; places of others filled with non-union hands.

New York City: 34 tinsmiths in one shop struck November 14th for discharge of non-union employee. Bureau intervened November 30, 1907, and arranged a conference of representatives of the parties on that day. Employers agreed to reinstate all former employees except one, which was accepted by union's representatives; union rejected the proposition, but on December 2nd rescinded their former decision and returned to work.

New York City: 285 underwear makers in two factories struck November 21st against reduction in piece rates. Bureau intervened November 22nd; employers refused to meet union committee. On December 16th Bureau intervened a second time and arranged a conference of the representatives of the parties. Propositions were submitted by each side but no agreement reached. Strikers returned to work January 4th at the reduced wages.

New York City: 31 upholsterers in ten shops struck October 14th for reduction of hours, new price list and recognition of the union. Bureau inter-

vened November 27th and arranged a conference of representatives of the parties which resulted in the strikers returning to work December 2nd under the old conditions.

Yonkers: 250 street railway employees struck October 22nd for appointment of a local employee as superintendent, reinstatement of a discharged employee and increase in wages. Bureau intervened the day strike began and arranged a meeting between president of street car company and union committee. Union presented a request for above concession, but president of company declared he had no power to grant them and that the directors must pass on them. Strikers returned to work October 28th on old conditions as result of mediation by a clergyman and committee of citizens.

ARBITRATION BY STATE BUREAU.

The firm of Wichert & Gardiner,* shoe manufacturers of Brooklyn, N. Y., employing about 600 men and 200 women who are members of the Boot and Shoe Workers' Union No. 160, have a trade agreement signed for three years, which, among other regulations, provides for arbitration in the settlement of all disputes that may arise on account of the introduction of a new style of shoe that may necessitate an increase or decrease of labor as compared with other styles. Whenever a committee appointed from among the employees in the several departments who have grievances and the firms' representatives cannot agree as to the schedule of prices to be paid on a new style of work, such matters in dispute are referred to an umpire, whose decision is final and binding on both parties to the controversy.

In the cutting, stitching and folding departments a dispute arose over the introduction of several new patterns and as no agreement as to price could be reached between the representatives of the firm and of the union it was mutually agreed to have a member of the State Board of Mediation and Arbitration act as umpire. On December 18, 1907, a request was presented to the Commissioner of Labor by Mr. James B. Geary, business agent of the Boot and Shoe Workers' Union No. 160, for an arbitrator to decide the question of wages in dispute. Chief Mediator John Lundrigan, in charge of the Bureau of Mediation and Arbitration, designated Mediator M. J. Reagan to act as arbitrator, and on December 31, 1907, a meeting was held at the

*An arbitration by the Bureau for the same firm under similar circumstances occurred in 1902. See Annual Report of the Bureau for that year, p. 20.

office of Wichert & Gardiner, and after an extended hearing of all matters in dispute Mr. Reagan rendered the following decision:

NEW YORK, February 27, 1908.

Messrs. George Gardiner and A. E. Owers, representing Wichert & Gardiner, Shoe Manufacturers, Brooklyn, N. Y., Walter Fish and F. W. Pesch, for Shoe Cutters, David Puro and David Grube, for Stitchers and Folders.

GENTLEMEN: Having been selected by you jointly to act as umpire on the several matters in dispute, I respectfully submit the following decisions:

CUTTING ROOM.

Patterns 256 and 401 known as Blucher Oxford patterns, being in dispute as to price per dozen pairs for cutting, and from exhibits, oral and documentary evidence submitted, and the contention on the part of the firm's representatives that pattern No. 283, marked Exhibit E, is practically similar to that of patterns Nos. 256 and 401 and the price governing this pattern would seem to be sufficient to establish the prices on Nos. 256 and 401. The employees' representatives in like manner have submitted pattern No. 467 and claim that the price paid on this pattern should equal the prices to be paid on the new patterns Nos. 256 and 401 as the only difference is a detached tongue.

After an extensive investigation of prices paid for a similar class of work in the different competing shoe factories in Manhattan and Brooklyn boroughs I have reached the conclusion that the prices for cutting patterns Nos. 256 and 401 shall be 42 cents per dozen pairs complete.

STITCHING FRENCH BINDING ON PATTERN 441.

FOLDING FRENCH BINDING ON PATTERN 441.

From the evidence and exhibits presented, I am convinced that less labor is required on the folding and stitching of pattern 441 than on pattern 122, marked Exhibit H, and pattern 213, marked Exhibit G. The reduction asked for is not in proportion, in my judgment, to the difference in labor performed on pattern 441, and the prices shall be

Ten cents per dozen pairs for stitching.

Thirteen cents per dozen pairs for folding.

FOLDING FRENCH BINDING ON NEW TONGUES AND STITCHING BINDING ON NEW TONGUES.

The firm contends, "The prices for stitching and folding French bound tongues are not properly placed in arbitration and ask for a decision to this effect; because an item that is a component part of our list and has been signed by both parties to the agreement, cannot be made a subject of dispute." However, section 2 of the agreement provides, "Whenever new styles of work shall be introduced in the factory * * * new prices shall be agreed upon, etc." There is no question but that the tongue in dispute is a new style and is a proper subject for arbitration.

The established rates are:

Six cents per dozen pairs for stitching tongues.

Seven cents per dozen pairs for folding tongues.

A comparison with the labor performed on Exhibit K (pattern 212) and that of the new tongue will show that less labor is required on it both in stitching and binding, and I would therefore award that the prices paid on Exhibit K (pattern 212) shall be the price paid for stitching and folding the new tongue, that is,

Six cents per dozen pairs for stitching.

Seven cents per dozen pairs for folding.

(Signed)

MICHAEL J. REAGAN,
Industrial Mediator.

JOINT TRADE AGREEMENTS.

THE PRINTERS' LEAGUE AGREEMENTS WITH COMPOSITORS AND PRESSMEN IN NEW YORK CITY.

As made clear in the account of the movement in the annual report of the Bureau of Mediation and Arbitration for 1906 (p. 106), the compositors' movement for an eight-hour day in the book and job printing industry in 1906 resulted in New York City in a severance of negotiations between the employers' association, the United Typothetæ of America, and the International Typographical Union, and in a definite commitment of the employers' association to the maintenance of "open shop" conditions. This non-treaty situation with respect to the existing employers' association gave rise to the formation of a new organization of employing book and job printers expressly for the purpose of collective bargaining with the unions, and that avowedly not solely with a view to self-protection in such bargaining, but rather with the broader purpose of mutual co-operation of the two parties. This purpose gives the new association a somewhat unique character among employers' organizations.

The new organization bears the name of The Printers' League of America, New York Branch. Its founders have planned for a national organization after the model of the highly successful organization of the same character in the printing industry in Germany. Thus far, however, the organization has not extended beyond New York City, but there it has attained large proportions.

The final organization of the New York Branch was effected in February, 1907. In February, 1908, its membership embraced 52 firms which in 1907 employed a total in round numbers of

5,500 shop hands. Thirty-three of these firms each employed 50 hands or more, 15 employed over 100 each, and 7 had from 200 to upwards of 500 employees. The substantial achievements of the New York Branch in the direction of its prime purpose of collective bargaining are to be seen in the following agreements which have been made with the organizations of its members' employees. In addition to these, the general scale for press feeders and assistants contemplated in the preliminary agreement below was in process of arbitration on March 1, conciliation conferences having failed to bring about final agreement on certain points.

COMPOSITORS.

Agreement between Printers' League of America, New York Branch, and New York Typographical Union No. 6.

The following agreement was ratified at a meeting of Typographical Union No. 6, held on Sunday, March 1, 1908:

SECTION 1. That the said Printers' League of America agrees to employ none but members of Typographical Union No. 6 to do any work that comes under the jurisdiction of said Typographical Union, and, it is further agreed by the Printers' League of America that they will do no work that comes under the jurisdiction of Typographical Union No. 6 for any firm that does not employ members of said Union upon its request.

SECTION 2. All members of the Printers' League of America, New York Branch, shall be protected under this contract by Typographical Union No. 6 against walkouts, strikes, boycotts or any form of concerted interferences with the peaceful operation of the department controlled by Typographical Union No. 6; and it is further provided that the Printers' League of America, New York Branch, agrees with Typographical Union No. 6 to arbitrate all differences affecting wages, hours and working conditions that may arise under this contract between the said Printers' League of America, New York Branch, and Typographical Union No. 6, if said differences cannot be settled by conciliation.

SECTION 3. It is hereby agreed between the parties hereto that the present scale of wages now in force in the book and job printing offices shall be paid to all members of Typographical Union No. 6 working under this agreement, and Typographical Union No. 6 agrees with the Printers' League of America, New York Branch, that it will not allow any of its members to work for a less rate or more hours than the scale and hours accepted by the Printers' League.

SECTION 4. All disputes arising over scale provisions relating to wages, hours and working conditions in renewing or extending contracts shall likewise be subject to arbitration under the provisions of this agreement, if such disputes cannot be adjusted through conciliation.

SECTION 5. It is agreed that the laws, regulations and decisions of the International Typographical Union and Typographical Union No. 6 governing the

employment of members and working conditions at present in force shall be a part of this agreement.

SECTION 6. If conciliation between an employing printer and the local union fails, then appeal may be made to the Joint Conference Committee. When the Joint Conference Committee renders a decision which is unsatisfactory to either side, or it is unable to reach a decision within ten (10) full business days after the final submission of the case to said committee, then review by an arbitrator, to be appointed by mutual agreement, may be asked for by the dissatisfied party through appeal, provided written notice of appeal to the other party is given within five full business days after decision has been rendered, and a written statement setting forth the grounds of the appeal is filed with the Joint Conference Committee within ten (10) full business days after the decision has been rendered.

SECTION 7. The Joint Conference Committee shall be a standing committee and shall consist of three members and three alternates appointed by Typographical Union No. 6 and have three members and three alternates appointed by the Printers' League of America. This committee shall meet on the call of the chairman at such time and place as may be determined by him. Due notice in writing of the time and place of meeting of the committee shall be given all interested parties. A majority vote of the committee shall be necessary to a decision.

SECTION 8. The said Joint Conference Committee must act, when its services are desired by either party to an appeal as above, and shall proceed with all possible dispatch in rendering such services.

SECTION 9. All expenses attendant upon the settlement of any appeal or hearing before the committee shall be adjusted in each case in accordance with the directions of the Joint Conference Committee.

SECTION 10. The conditions obtaining before the initiation of the dispute shall remain in effect pending the finding of the Joint Conference Committee or the arbitrator.

SECTION 11. The following rules shall govern the Joint Conference Committee adjusting differences between parties to this agreement:

- (1)—It may demand duplicate typewritten statements of grievances.
- (2)—It may examine all parties involved in any differences referred to it for adjudication.
- (3)—It may employ such stenographers, or clerks, as may be necessary to facilitate business.
- (4)—It may require affidavit on all disputed points.
- (5)—Equal opportunity shall be allowed for presentation of evidence and argument.
- (6)—The deliberations shall be conducted in executive session, and the findings, whether unanimous or not, shall be signed by all members of the board in each instance or shall be certified to by the chairman and secretary of the Joint Committee to the two parties to this agreement.
- (7)—In event of either party to the dispute refusing to appear, or present its case after due notice, it may be adjudicated and findings rendered in accordance with such evidence as may be in the possession of the committee.
- (8)—All evidence communicated to the committee in confidence shall be preserved inviolate, and no record of such evidence shall be kept, except for use on appeal, in which case such inviolability shall still be preserved.

SECTION 12. In case a review by an arbitrator is requested, as provided in section 6, the arbitrator shall not take evidence, but both parties to the controversy may appear personally or by proxy, the proxy to be a duly recognized member of either body who are parties to this agreement, in good standing, or may submit records and briefs and may make oral or written arguments in support of their several contentions. They may submit an agreed statement of facts, or a transcript of testimony, properly certified to before a notary public, by the stenographer taking the original evidence or depositions.

SECTION 13. Pending final decision, work shall be continued in the office of the employing printer, party to the case, and the award of the arbitrator shall in all cases include a determination of the issues involved, covering the period between the raising of the issues and their final settlement; and any change or changes in the wage scale of employees may, at the discretion of the arbitrator, be made effective from the date the issues were first made.

SECTION 14. In the event of either party to the dispute refusing to accept and comply with the decision of the arbitrator, all aid and support to the firm or employer, or member or members of the union, refusing acceptance and compliance shall be withdrawn by both parties to this agreement. The acts of such employer or member of the union shall be publicly disavowed and the aggrieved party to this agreement shall be furnished by the other party thereto with an official document to such fact.

SECTION 15. This agreement between Typographical Union No. 6 and the Printers' League of America, New York Branch, shall remain in effect from the first day of March, 1908, to and including the first day of October, 1910, provided, however, that this agreement be ratified on the part of each of the parties hereto at a regular meeting or a special meeting called for this purpose by each of the parties hereto respectively.

In Witness Whereof, the undersigned Presidents, respectively of the parties to this agreement, have hereunto as such Presidents, signed their names and attested by the Secretaries of each this 3d day of March, 1908.

THE PRINTERS' LEAGUE OF AMERICA, NEW YORK BRANCH,

By CHAS. FRANCIS,

President.

Attest, WM. H. VAN WART,

Secretary.

(Signed)

TYPOGRAPHICAL UNION No. 6,

By JAMES J. MURPHY,

President.

Attest, CHARLES M. MAXWELL,

Secretary.

Note: This contract was ratified by the Printers' League, New York Branch, at the meeting of February 7, 1908.

PRESSMEN.

Agreement:

The Printers' League of America (New York Branch) and New York Pressmen's Union No. 51, being desirous of entering into an agreement for the purpose of maintaining an era of peace for their mutual advancement and

prosperity, do hereby agree in all instances to consult by committee, trade court, or otherwise, and to conciliate if possible any controversies, disagreements, or misunderstandings, and if possible to arrive at an amicable understanding then and in all cases to submit to an arbitration of such matters, the committees being composed of an equal number of employees and employers who shall appear and state their case before the arbitrator who shall be selected by mutual consent, and that each body hereinbefore stated shall upon the signing of this agreement appoint a committee to arrange a schedule of prices and hours which shall be known and published as the Printers' League of America Scale of Wages, and also that the New York Pressmen's Union No. 51 shall be and now is considered a member of the Printers' League of America for the purpose for which it has been organized.

It is also understood that any arbitration must be settled in three months from the time of submission to arbitration.

In accordance with resolution of New York Pressmen's Union No. 51 this agreement will be in force for one year from date.

On behalf of PRINTERS' LEAGUE,

CHAS. FRANCIS,
President.

WM. H. VAN WAET,
Secretary.

On behalf of PRESSMEN'S UNION NO. 51,

JOHN MORAN,
President.

W. L. AYDELOTTE,
Secretary.

Dated, New York, August 21, 1907.

Printers' League of America, New York Branch, Scale of Wages and Shop Rules. In effect November 18th, 1907. Subject to ratification by the bodies of New York Printing Pressmen's Union No. 51 (I. P. P. and A. U. of N. A.), and Printers' League of America, New York Branch.*

The following agreement, entered into this 15th day of November,* 1907, between the Printers' League of America (New York Branch), and New York Printing Pressmen's Union No. 51 (I. P. P. and A. U. of N. A.), in accordance with agreements now existing between said bodies, shall be known as the "Printers' League Scale."

The following scale of wages and hours of labor and shop practices shall become operative on November 18, 1907.

PROVIDED: It is mutually understood and agreed that hereafter no strike or lockout shall take place; but that any claimed infraction of this agreement, or any other grievance, shall be submitted to arbitration, as provided by the principles of the Printers' League of America. Also that all members of the

*All of this agreement except the three clauses starred were agreed to and the agreement was signed by the committees on November 15th. The three clauses designated were at that time left in the agreement and labeled "Not agreed upon; left for future conference." Subsequent conferences finally settled these disputed points in January, 1908, and final ratification of the agreement by the executive committee of the union occurred on January 18th, and by the League on January 21st.

Printers' League of America shall be conceded as good terms — or better — in wages and hours as those conceded to any other printing office in the jurisdiction of the local bodies.

That on and after November 18, 1907, the minimum scale of wages for cylinder pressmen shall be \$23.00 per week of forty-eight hours. Offices to be privileged to work six hours overtime per week, not more than one hour in any one day, at the rate of fifty cents per hour. Any overtime beyond the stated six hours to be paid for at the rate of price and one-half of scale. This scale of wages to continue to January 1, 1909, at which time the minimum rate of wages shall be \$24.00 per week of forty-eight hours.

On all other positions, pay and overtime in accordance with existing conditions.

It is also understood that offices may employ a second shift at the same rate of wages and conditions, except that said second shift is to work but forty-five hours per week. When possible, the forty-five hours to be worked in five nights of nine hours each. Such arrangement for the working time of the two shifts may be made that is mutually acceptable to the employer and employee. Total time covered to be between 7.30 A. M. and 4.00 A. M.

Overtime until 12.00 P. M. shall be paid for at the rate of time and one-half (this clause referring only to the first shift), computed according to the scale; after midnight, Sundays and legal holidays double time; overtime on Sundays and legal holidays shall be the same as day scale for Sundays and legal holidays.

* Pressmen working on the second shift shall receive \$6.00 per night for one or two nights; \$5.00 per night for three nights and pro rata of the night scale for four or five nights. These nights are to come within a working week.

It is mutually requested that no pressman receiving above the scale shall be reduced to the minimum on account of the establishing of the eight-hour day.

No member shall be allowed to work less than one day after starting a day's work, unless discharged for incompetency.

SHOP PRACTICES.

No eating between hours. By this is understood sending for lunch at hours other than those regularly designated.

Presses to be started at the appointed time. Workmen to be ready to proceed when the whistle blows or bell rings, not merely on the premises, but actually ready to go to work, and run presses up to the ringing of the bell or blowing of the whistle.

Representatives from unions must not enter pressrooms without permission from the employer or manager.

Pressmen: Apprentices.— One apprentice to four pressmen, provided the full quota of pressmen is employed. The term of an apprentice shall be five years, dating from the time he is first put on the floor. All apprentices shall

*All of this agreement except the three clauses starred were agreed to and the agreement was signed by the committees on November 15th. The three clauses designated were at that time left in the agreement and labeled "Not agreed upon; left for future conference." Subsequent conferences finally settled these disputed points in January, 1908, and final ratification of the agreement by the executive committee of the union occurred on January 13th, and by the League on January 21st.

be registered by both the Printers' League of America and New York Pressmen's Union No. 51. No apprentice shall be given a card as a journeyman until the expiration of his fifth year, unless by mutual consent of both the contracting parties herein mentioned.

Each office shall be allowed one apprentice to every four pressmen or major fraction thereof; provided, however, that in offices where there are four presses, two journeymen shall be employed; three presses, one journeyman and one apprentice. No one office shall have more than five apprentices. An apprentice may be assigned to do any work which his employer may deem proper, except that he shall not be allowed to cut primary overlays until after the expiration of two and one-half years of his apprenticeship. The minimum wages for apprentices shall be as follows: First six months, \$16.00; end of first six months, \$17.00; end of one year, \$18.00; end of two years, \$19.00; end of three years, \$20.00; end of four years, \$21.00; end of five years, full minimum scale.

* Each pressman to run two presses, large or small, of single cylinder, at the discretion of the foreman, provided the full quota of pressmen is employed.

* Foreman to be permitted to start up presses, in cases of emergency.

The above agreement having been duly ratified* by the Printers' League of America (New York Branch) and the New York Printing Pressmen's Union No. 51 (I. P. P. and A. U. of N. A.) is hereby signed for those two bodies by

For the LEAGUE,

CHARLES FRANCIS,

President.

HENRY W. CHEROUNY,

Vice-President.

WM. H. VAN WART,

Recording Secretary.

J. WM. WALKER,

Chairman Com. on Pressmen's and Feeders' Agreement.

For the PRESSMEN,

W. L. AYDELOTTE,

President.

W. F. O'BRIEN,

Vice-President.

P. J. MOONEY,

Business Agent.

PRESS FEEDERS AND ASSISTANTS.

The New York Branch of the Printers' League of America proposes a flat \$15.00 scale until July 1, 1907. Should the eight-hour day be inaugurated by July 1, 1907, the \$15.00 scale is to continue, and if the nine-hour day continues after July 1, 1907, a flat scale of \$16.00 shall be paid, this scale also to apply to one man on each feeding machine. The proportionate increase also applies to the night forces. Job pressmen's scale, \$18.00 and \$20.00 per week.

*All of this agreement except the three clauses starred were agreed to and the agreement was signed by the committees on November 15th. The three clauses designated were at that time left in the agreement and labeled "Not agreed upon; left for future conference." Subsequent conferences finally settled these disputed points in January, 1908, and final ratification of the agreement by the executive committee of the union occurred on January 13th, and by the League on January 13th.

And it is further proposed that all changes, shop rules, etc., shall be subjected to the general conditions set forth in the organization of the Printers' League.

WALTER J. COATES,

Chairman of Conference Committee, Franklin Association No. 23.

OSWALD MAUNE.

Chairman of Executive Committee, Printers' League, N. Y. Branch.

The above agreement between the Printers' League of America, New York Branch, and Franklin Association, No. 23, is hereby recognized as being in force from the 28th day of February, 1907. A formal contract† embodying the foregoing conditions to be drawn up at earliest convenience, and duly signed and attested by the authorized agents of both organizations.

OSWALD MAUNE.

WALTER J. COATES,

Witness:

THOS. J. MORAN.

B. P. WILLETT.

NEW YORK CITY BOOKBINDERS' AGREEMENTS.

Under the inspiration of The Printers' League and modeled thereafter, though not connected with that organization, a Bookbinders' League was formed in New York City in 1907, with which the following agreements have been signed by the local unions of the International Brotherhood of Bookbinders. The second of these agreements, providing for conciliation and arbitration, it will be seen, is precisely the same in form and substance as the one above signed by the Printers' League and the Pressmen.

Agreement:

I. It is agreed between the Bookbinders' League of New York and Local Unions 1, 11, 22, 43, 77 and 119, International Brotherhood of Bookbinders, that on and after November 18, 1907, the hours of labor shall be forty-eight (48) per week at the present scales of wages. It is agreed, however, that where shops find it necessary to exceed this number of hours, an additional six hours may be worked (not more than three hours in any one day) at the rate of wages pertaining to the forty-eight hour week; all overtime exceeding this shall be paid for at the rate of time and one-half. This shall apply to both time and piece work.

II. It is agreed that offices may run a second shift at the same rate of wages, said shift to cover forty-five (45) hours per week.

III. Members of the International Brotherhood of Bookbinders shall be given the preference of employment in all cases where positions are open. When the International Brotherhood of Bookbinders Local Unions of New York are unable to furnish men workers, the employer to have the right to employ non-union men.

† In course of arbitration March 1, 1908.

IV. This agreement shall be in effect until January 1, 1909, after which date the privileges accorded the six hours at regular rate of wages shall cease and overtime rates prevail.

V. The above agreement is hereby ratified, provided that a committee of the various unions are appointed and meet a like committee from the Bookbinders' League of New York to revise shop rules and practices, and that the attached agreement be executed by the various local unions.

On behalf of Bookbinders' League,

JOHN F. OLTROGGE,
President.

On behalf of Bookbinders,

R. GLOCKLING,
President International Brotherhood of Bookbinders.

Dated, New York, Sept. 30, 1907.

Agreement:.

The Bookbinders' League of New York and Local Unions No. 1, 11, 22, 43, 77, 119, of the International Brotherhood of Bookbinders, being desirous of entering into an agreement for the purpose of maintaining an era of peace for their mutual advancement and prosperity, do hereby agree in all instances to consult by committee, trade court, or otherwise, and to conciliate if possible any controversies, disagreements, or misunderstandings, and if impossible to arrive at an amicable understanding, then and in all cases to submit to an arbitration of such matters—the committees being composed of an equal number of employees and employers who shall appear and state their case before the arbitrator, who shall be selected by mutual consent—and that each body hereinbefore stated shall upon the signing of this agreement appoint a committee to arrange a schedule of prices and hours which shall be known and published as the Bookbinders' League of New York Scale of Wages, and also that the Locals No. 1, 11, 22, 43, 77, 119 of the International Brotherhood of Bookbinders shall be and now is considered a member of the Bookbinders' League of New York for the purposes for which it has been organized.

It is also understood that any arbitration must be settled in three months from the time of the submission to arbitration.

In accordance with resolution of locals No. 1, 11, 22, 43, 77, 119 of the International Brotherhood of Bookbinders this agreement will be in force for one year from date.

On Behalf of Bookbinders League,

JOHN F. OLTROGGE,
President.

On behalf of Bookbinders,

J. P. HAND, Pres. Local No. 1.
F. THIES, Pres. Local No. 11.
J. A. PROUT, Pres. Local No. 22.
M. E. MURPHY, Pres. Local No. 43.
J. J. MAHONEY, Pres. Local No. 77.
J. O'BRIEN, Pres. Local No. 119.

Witness:

R. GLOCKLING,

Pres. International Brotherhood of Bookbinders.

Dated, New York, Dec. 31, 1907.

THE CONTROVERSY OVER THE PRINTING PRESS- MEN'S NATIONAL AGREEMENT WITH THE UNITED TYPOTHETAE.

In the March, 1907, BULLETIN (p. 26) was published the text of an agreement between the United Typothetae of America and the International Printing Pressmen's and Assistants' Union of North America, providing for conciliation and arbitration of disputes and an eight-hour day in 1909. The validity of that agreement has since become the subject of bitter controversy, involving an appeal to the courts, both within the union and between the union and the employers' association. In view of the fact that the agreement was a type of the most highly developed form of collective bargaining, namely, one providing a national system of conciliation and arbitration for a given trade negotiated by national organizations of employers and employees, the controversy over it is of especial interest and significance with reference to the problem of industrial peace. It is the purpose of this article to set forth as clearly as possible the essential facts of the controversy.

The controversy has been waged over two clauses of the agreement of January 8, 1907. One of these, afterwards denominated the "open shop" clause, reads, "It being understood that the employer fulfills all the terms of this contract by paying the scale of wages and living up to the shop practices as settled by the committee, regardless of his employees' union affiliations." The other, known as the "eight-hour" clause, reads, "It is expressly agreed that until January 1, 1909, fifty-four hours shall constitute a week's work; and that thereafter during the life of this contract 48 hours of eight hours a day shall constitute a week's work."

The agreement of 1907 was entered into at a conference between a committee representing the United Typothetae of America, the national association of employers in the book and job printing trade, and the executive board of the International Printing Pressmen's and Assistants' Union, held in Philadelphia on January 8, 1907. There was in existence at the time an agreement between the two organizations, made in 1902,* to be in force

*See Report of Bureau of Mediation and Arbitration, 1905, p. 273.

until May 1, 1907, and the 1907 agreement was to succeed this upon its expiration. The authority of the union's board of directors to negotiate a new agreement was derived from the following instructions adopted by the annual convention of the union in Pittsburg in June, 1906, these being in the form of a recommendation by the committee on officers' reports:

"We, the committee, recommend that the board of directors be instructed to meet with like committee on the part of the U. T. A., with instructions to secure a renewal of the agreement with a declaration as to whether the eight-hour day will be agreed to." *

The allusion here to the eight-hour day was called forth by the outcome of previous tentative negotiations for reduction of hours from nine, as in the existing agreement, to eight per day. That subject was first brought up in convention of the union in 1903, when a resolution was passed instructing the board of directors to open negotiations upon the subject with the employers' organization, the existing agreement to remain in full force, however, until its expiration. Proposed negotiations on the question by the national president of the union in 1904 and 1905 elicited only a declination of the executive committee of the Typothetæ to take up the subject so far in advance of the expiration of the existing agreement.† This being reported to its convention in 1905 the union adopted a recommendation of its committee on officers' reports that

"We recommend that the board of directors be instructed to secure a conference with a committee of the National Typothetæ with a view of arranging, if possible, a work day of eight hours. Failing to make a satisfactory agreement, we recommend the board to be constituted a shorter work day committee to begin a campaign with a view to demanding the eight-hour day at the expiration of our agreement on May 31, 1907, and the board being instructed to report to the next convention."‡

In accordance with these instructions the board of directors of the union held a conference with the executive committee of the employers' association at Niagara Falls in September, 1905, in which, however, the employers' representatives took the posi-

* Official Proceedings of Eighteenth Annual Convention of the union in the *American Pressman*, Vol. 16, p. 82.

† Official Proceedings of Seventeenth Annual Convention of the Union in the *American Pressman*, Vol. 15, pp. 22-4.

‡ Proceedings of Seventeenth Convention, loc. cit., p. 106.

tion that it was an inopportune time to consider the introduction of an eight-hour day and subsequently, in fulfillment of a promise made at the close of the conference the following definite answer of the employers was sent to the union:

NEW YORK, *April 28, 1906.*

MR. MARTIN P. HIGGINS,
Charlestown, Mass.:

MY DEAR MR. HIGGINS.—Answering your favor of April 11th, I am instructed by our National Executive Committee to state that the committee decline to take up the consideration of an eight-hour work day, but will be pleased to appoint a committee to confer with a similar committee from the Pressmen's Union to consider the renewal, at its expiration, of the agreement which now exists between our respective organizations.

Sincerely yours,
JOHN MACINTYRE.

To this the president of the union replied as follows:

CHARLESTOWN, MASS., *May 1, 1906.*

MR. JOHN MACINTYRE,
320 Broadway, New York, N. Y.:

MY DEAR MR. MACINTYRE.—Your letter of the 28th, in reply to mine of the 11th, on the eight-hour day resolution, to hand. I regret that your executive committee failed to leave that matter's consideration within the scope of the labors of the committee that they suggest be appointed to confer and consider the renewal of the agreement existing between our respective organizations.

Had the eight-hour day resolution come within such a committee's consideration while in conference, it might have made it possible for me to have had such a committee appointed prior to our convention, which meets in Pittsburg, Pa., in June.

The appointing of such a committee at this time would leave them without power of any kind in considering a renewal of the existing agreement, until our convention expresses itself on the future of that document. I will place your letter before our convention, and you will no doubt be informed as to the future course of our organization on the question of the committee's appointment, and the power given them in the consideration of the agreement's renewal with your organization as well as other things that such a committee may be delegated to discharge, in conference with your committee.

Very truly yours,
MARTIN P. HIGGINS.

This was the status of negotiations between the two organizations when the annual convention of the union met in June, 1906. At that convention the president of the union in his annual report, referring to the invitation of the employers' association for

a conference with a view to reviewing the existing agreement, expressed himself as "heartily in favor of such a committee being appointed." Continuing he said,

"The agreement has worked well during its past years of utility, we having made splendid strides under its provisions.

"While this agreement has come in for considerable abuse, and we have received considerable condemnation in certain quarters for what is called its 'open shop' provisions, we have had but little complaint of any advantage being taken of us by the U. T. A. employers, and in the spirit of equity and fairness that both sides should have towards each other, I am firmly of the opinion that it has been a success, and trust when our committee meets with a like committee from the U. T. A. to discuss its renewal and other matters of interest to us, that they will, beyond question, come closer to each other in the mutuality of interest which fair dealing and equity towards each other's organization requires, in the full independence of each in carrying on the business for which both organizations are created."*

Referring to this part of the president's report, the committee on officers' reports recommended instructions for a conference and renewal of the agreement, as quoted above, which were adopted by the convention. But upon the eight-hour question there were further instructions by the convention. The board of directors, in their capacity of a shorter work-day committee under the instructions of the 1905 convention, had reported to the convention the following "plan whereby some tangible method or course may be arrived at that will result in the adoption of the eight-hour day by the I. P. P. and A. U."

1. That this convention instruct the incoming board of directors to meet as a committee with a like committee on the part of the United Typothetae of America, as explained in the letter to Mr. MacIntyre under date of April 28th, herein mentioned, the committee on our part to strive with all power possible to have some concessions made by the Typothetae towards having the eight-hour day established within reasonable time, in a manner that will warrant its adoption on mutual grounds as a finality, and an agreement with that intent be entered into; the committee on our part having power to sign up such an agreement, if the eight-hour day can be brought within a reasonable time of attainment, if not, the committee to report back to our next convention, as provided in section 6 of this report.

2. That an assessment of fifty cents per month be levied upon all pressmen members monthly from July 1, 1906, until July 1, 1907.

3. That an assessment of twenty-five cents per month be levied upon all feeder or assistant members monthly during the same period.

4. That this fund be sent to the International Secretary-Treasurer monthly by the secretary of each local union, the same to be deposited in a different

* From president's report in convention proceedings cited above, p. 76.

bank from that in which we deposit out regular funds, and the same to be known as the Shorter Work-Day Fund.

5. The question of what year and date the eight-hour day shall be adopted shall remain within the keeping of the incoming board of directors, they to report to the next convention in full their observations and judgments as to what out future course should be in setting a date for the adoption of the eight-hour day.

6. In view of the fact that our agreement with the United Typothetae of America will not expire until May 1, 1907, the board of directors feel that the provisions of section 4 of this report would be the wisest course to follow, until at least another convention had followed the carrying out of the first three sections of this report, in order that an opportunity may be given the membership to understand our financial strength, as well as hearing from the incoming board of directors a report of the work done by them during the year towards an amicable adjustment of the shorter work-day, or eight-hour day, with the United Typothetae of America.

7. The wisdom of the above course is, in the estimation of the board of directors, the safest and best way for us to proceed, that we may feel our way carefully towards accomplishing the greatest amount of progress along the eight-hour day program, of not only trying to place our membership upon an eight-hour day basis, but the entire printing industry as well, in all sections where it is an industry of any importance the same as was the nine-hour day in 1898.

8. In connection with our own efforts along the above lines we should also court the aid and assistance of the other branches of the printing trade, in so far as trying to have an unity of purpose in placing the printing industry on an eight-hour basis as well as our membership in it.

9. While we would like to see our membership on an eight-hour basis, we should try with every means within our power of agitation and co-operation to bring the whole printing industry on an eight-hour basis, not forgetting the fact that this was accomplished when the nine-hour day was established in the printing industry.

10. The success achieved in our nine-hour day effort is possible in the adoption of the eight-hour day, and while recent events in the printing industry have mooted this possibility, it is still within our right and efforts to try at least along the lines adopted in bringing the printing industry to a nine-hour day basis in 1898.

11. The foregoing report is made in outline of what should be done by the membership towards acquiring the eight-hour day, and while we all would like to see it come as soon as possible, we should not attempt to enforce it with a strike until all other means had failed to secure it, and our finances and organization are made such that, in the event of failure to accomplish our desire along the lines of easy approach, we can leave the date of enforcing it within the keeping of those whom we elect to administer our affairs, and then when they inform us of what course we should pursue, we will know that the time has been carefully considered and our duty and finances will have to aid us in doing the rest.*

* Convention proceedings as cited above, p. 78.

Upon this the committee on officers' reports made the following recommendation which was adopted by the convention:

"The committee are pleased to coincide with the recommendation of the board of directors, inasmuch as they are of such a nature that the committee have seen fit to indorse the plan of assessment as formulated by the board, and that we recommend that this convention declare in favor of the eight-hour day immediately after the expiration of the agreement now existing between the U. T. A. and the I. P. P. and A. U., provided it is not within the scope of possibilities of having same arranged amicably and equitably between the U. T. A. and the I. P. P. and A. U. within a reasonable time after the expiration of the agreement now existing between these two respective organizations.

"The committee further recommend that steps be taken by the board of directors to act in conjunction with the other branches of the printing crafts for perfecting a plan whereby unity of action may be carried out in the adoption of the eight-hour day."*

The two recommendations above indicated constitute all the instructions to, and authority of, the board of directors from the 1906 convention with reference to a new agreement with the employers' association, and thereunder the agreement of January 8, 1907, was negotiated. That agreement was signed by the conference committee of the employers' association and by four of the five members of the union's board of directors. It was expressly stipulated that the agreement as signed was "subject to ratification" by the convention of the employers' association, such stipulation appearing in the agreement as printed for circulation, and the ratification by the employers' convention actually occurred at Pittsburg on February 2, 1907. On the other hand no ratification by the union was provided for and it was the understanding at the conference that the signing of the union's board of directors was final and that the agreement would be in full force and effect as soon as ratified by the employers' association and without any ratification by the union. In this respect, it may be noted here, the 1907 agreement differed from that of 1902. The latter, which was the first general agreement of the kind between the two organizations, provided for ratification by both the employers' convention and by a referendum vote of the membership of the union and such ratification by each side was duly carried out.†

* Convention proceedings, p. 86.

† Proceedings of the Fifteenth Annual Convention of the union in *American Pressman*, Vol. 13, p. 371. It may be noted that out of a membership of about 14,000 in the union, 3,798 voted on the ratification and the majority in favor of the agreement of 1902 was 304.

As noted above, one member of the union's board of directors did not sign the agreement. His refusal was almost entirely based on the ground that the agreement practically permitted open shop conditions.* After its publication, considerable sentiment against the agreement on this ground developed among members of the union and further opposition appeared on the ground that the inauguration of the eight-hour day was postponed beyond "a reasonable time." In fact, a widespread difference of opinion among the members of the union was developed on these two points, as evidenced by lively discussions appearing in the *American Pressman*, the monthly organ of the national union, and this controversy over the agreement became the principal subject of discussion before the annual convention of the union which met in June, 1907. The outcome of the controversy in the convention was that, of the former board of directors, all five members of which were renominated for office, only two (the second and third vice-presidents, the former being the member who refused to sign the agreement) were re-elected and the new president of the union was an avowed opponent of the agreement as signed. The final vote for president stood 111 for the new, against 93 for the former incumbent. In addition, and of far greater significance, the convention after long debate adopted the following resolution:

Proposition No. 18.

To the Officers and Members of the I. P. P. and A. U.:

Whereas, Our board of directors has renewed the agreement with the United Typothetae of America; now, therefore, be it

Resolved, That said agreement is hereby ratified and approved, provided the "open shop" clause is stricken out and an amendment is inserted providing for nine hours' pay for the eight-hour day. And be it further

Resolved, That in the event the U. T. A. rejects these amendments, our board of directors are instructed to submit the question of the immediate inauguration of the eight-hour day to the referendum, said referendum to be taken thirty days after such rejection.

Proposition No. 96.

Resolved, That a shorter work-day assessment of 10 per cent be levied upon the membership of the I. P. P. and A. U., the money to be collected to be put in the shorter work-day fund; and, be it further

* Cf. the open letter of the first vice-president of the union, the director who refused to sign, in the *American Pressman*, Vol. 17, p. 99.

Resolved, That the foregoing resolution be submitted to the referendum as part of and incorporated in Proposition No. 18, which provides for the immediate inauguration of the eight-hour day, provided certain amendments to an agreement are rejected by the U. T. A.*

These were designated in the convention proceedings respectively as Proposition No. 18 and Proposition No. 96. The vote on the former, as recorded in the convention proceedings,† stood 101 for and 94 against.

In his annual report to the convention of 1907 the president of the union set forth very clearly what actually occurred in the negotiations between the board of directors and the employers' committee which resulted in the agreement of 1907. The essential facts are revealed by the following excerpts from the report,‡ and it may be added that the president's statements of fact in the convention were not questioned by any of his colleagues on the board and were expressly endorsed by all three of those who signed the agreement with him.

"Before meeting with the Typothetae committee and Commissioner Driscoll, the board of directors discussed the renewal of the agreements as well as the eight-hour day, and it was the unanimous opinion of the board that they had full power to renew the agreements if satisfactory to the other sides involved, settling on the eight-hour day as no later than January, 1909, although to try hard to have the eight-hour day brought nearer, if possible, than that date. With this understanding the board arranged to meet the Typothetae, as well as Commissioner Driscoll of the Publishers' Association.

"At our first meeting with the Typothetae committee, they asked us what we had to present. We answered, by presenting them with our old agreement and eight-hour day for July 1, 1907.

"At this meeting the question arose over the construction placed upon the old agreement by us, arising out of a controversy existing at that time between the Chicago Typothetae and Chicago Pressmen's Union No. 3, in what is known as the Fairthorn trouble. In the arguments arising over this case we contended that the agreement did not give the right to any member of the Typothetae to change any existing custom or condition in any office where our members were employed, unless it was agreed to by our local union and the employer. The Typothetae committee was given to understand that the I. P. P. and A. U. looked upon the old agreement existing between them as a closed shop agreement in the sense that no member of a local union could be let out of employment in any Typothetae office and be replaced by a non-union employee, and if a situation held by a member of the

* Official Proceedings of the Nineteenth Annual Convention, in *American Pressman*, Vol. 17, pp. 106, 108.

† See "Proceedings" in *American Pressman*, Vol. 17, p. 106.

‡ See "Proceedings" in *American Pressman*, Vol. 17, pp. 27ff.

union should become vacant, that such situation should be filled by a union man under the terms of the agreement, unless the local union agreed to the controversy.

"To this the Typothetae committee would not agree, and after many hours of deliberation, offered us the following agreement, which we declined to accept. [This was practically the old agreement of 1902 with the addition of the clause mentioned in the following paragraph and provision for an eight-hour day on May 1, 1912.]

"All through the sittings of our first meeting with the Typothetae committee they insisted on trying to insert into the agreement the following clause:

"'But the fact a man is or is not a union man must not be a reason for or against his employment.'

"To this clause we would not agree, claiming that the old agreement had stood the test of time, and that under its provisions we, as well as the United Typothetae, had prospered and progressed without friction of any great moment, and that it should be the basis upon which both sides should still continue to act in harmony in preserving industrial peace as well as shortening the working day to eight hours. Failing to agree upon the clause above quoted, it was impossible to discuss the eight-hour day, resulting in the breaking up of the conference, with the possibility of opening up hostilities towards one another. Before our side should undertake to enforce our membership to prepare for war, it was decided by the board that another attempt be made by us to see if it was possible to effect another meeting and make one more try of effecting a peaceful settlement of the eight-hour day, as well as a new agreement, which was done by us, the Typothetae agreeing to meet us for the second time. This meeting took place at Philadelphia, in January, at which we presented the following agreement. [This was essentially the old agreement with provision for an eight-hour day on July 1, 1908.]

"The above agreement was gone over carefully by the Typothetae committee, and after considerable discussion over its merits, as well as the eight-hour day, they flat-footedly refused to consider it. We then presented the old agreement of the past five years as the only solution of the matter and after several hours of conference it was finally agreed to, and adopted as follows.

* * * * *

"The above agreement is practically the old agreement of the past five years, the changes in it being in hours after January 1, 1909, with a method of forming a record as to complaints against either side should occasion warrant it.

"As stated in the first of this article, the board of directors had decided that they had by vote of the convention full power to renew the agreement. This goes without question, as the signatures of all five members of the board are attached to the Newspaper Publishers' agreement. First Vice-President Murphy refusing to sign the Typothetae agreement for reasons of his own, unknown to the writer, until the final agreement was drawn up and about to be signed, although he voted with the board as a unit at their Chicago meeting in presenting the old agreement to the Typothetae as good enough for another five years. Seeing that the convention made no changes in it other than eight hours within a reasonable time, he agreed to January 1, 1909, as a reasonable time. First Vice-President Murphy will, no doubt, in

his own report give reasons why he did not sign the agreement, as well as informing you why he did not inform the other members of the board why he would not sign the agreement until the eleventh hour of its signing, although voting to do so, prior to our first meeting with the Typothetae committee.

"We can likewise state that when the board of directors met the Typothetae committee for the first time at Chicago, they told us that they did not have the power to close up an agreement with us, and that they would have to report back to a special meeting of their national organization the result of their labors for approval or disapproval, we informing them at the time that we had full power to bind our international organization to our action of consenting to an agreement. At our second meeting with them, the same question arose, and we stood exactly in the same position as announced by us at our first meeting with them."

To make all the facts clear it needs to be added to the above that the member of the board who did not sign the agreement because of its so-called open-shop clause, refused to sign simply because of his personal opposition to open-shop conditions of any sort, making no claim of anything in the instructions of the 1906 convention as standing in the way of his signing and as far as the eight-hour question was concerned he agreed entirely with the position taken by his colleagues who signed the agreement. Further, the so-called open-shop clause of the 1907 agreement is word for word exactly like a similar one in the 1902 agreement. In fact except for the eight-hour provision and one prohibiting stoppage of work pending settlements by conference committees and providing for written notice of grievances, the 1907 agreement is precisely the same as that of 1902.

In accordance with the instructions of the 1907 convention the union's board of directors sought and obtained a conference with the executive committee of the employers' association during the convention of the latter at Niagara Falls on September 10th and 11th, 1907. At two different meetings the employers' committee absolutely refused to entertain any proposal to change the terms of the agreement. Accordingly the board of directors, following out the instructions of the convention, issued a call for a referendum vote of the members of the union to be taken on or before October 21 on the following propositions:

Shall the International Printing Pressmen's and Assistants' Union of North America enforce a demand for the "Eight-hour Day" on the 18th day of November, 1907?

Shall the International Printing Pressmen's and Assistants' Union of North America levy and collect an assessment of ten (10) per cent on the earnings of its members throughout America, beginning on the 4th day of November, 1907, and continue until such time as the demand for the shorter workday has been acceded to?

The referendum vote resulted in 5,132 votes for and 3,892 against the proposition, or a majority of 1,240 in a total of 9,024 votes cast.* Of the whole number of votes 5,359 were cast by pressmen and 3,665 by feeders and helpers. The vote of the pressmen was in favor of the proposition by a majority of 57, while that of the feeders and helpers was favorable by a majority of 1,183. The total membership in the union as reported by the secretary-treasurer at the 1907 convention was 18,728, of whom 10,668 were pressmen and 8,060 feeders and helpers.

But before this vote was completed strikes for the eight-hour day and closed-shop were inaugurated against members of the employers' association in Chicago on September 28th and in New York City on October 4th and 5th, such strikes being inaugurated with the knowledge and upon the advice of the national president of the union. Thereupon several of the firms so struck applied to the United States Circuit Court for the southern district (western division) of Ohio at Cincinnati for an injunction against all the international officers of the union, and all officers of local unions from taking any action to institute an eight-hour day prior to January 1, 1909, or to secure closed shops in any establishment of the firms mentioned. On October 8th the court issued a temporary restraining order as prayed for pending a decision as to the court's jurisdiction, the union's attorneys having claimed that the court did not have jurisdiction because the union's officials were not all citizens of Ohio. Subsequently the complainants moved to dismiss all the defendants except the national president and secretary-treasurer of the union, who were citizens of Ohio, and the court, holding that on this basis it had jurisdiction, on October 21 issued a temporary injunction against the two defendants just mentioned, restraining them

from calling or instituting strikes, or advising, aiding and assisting in the calling or institution of any strike against the business of the said

* See *American Pressman*, Vol. 17, p. 401.

members of said Typothetae, or any of them, for their refusal or the refusal of any of them to institute the "eight-hour day" in their respective businesses prior to January 1, 1909, or the "closed shop" in their respective businesses at any time;

From instituting and maintaining, or encouraging the members or any member of said Union and its subordinate branches and locals to institute or maintain strikes against the business of any of the said members of said Typothetae for refusal or failure on the part of any such member to institute the "eight-hour day" in said members' business prior to January 1, 1909, or the "closed shop" in said business at any time;

From in any manner interfering with, hindering, obstructing or stopping the business of the said members of said Typothetae, or any of them, for failure or refusal on the part of any of them to institute or maintain the "eight-hour day" in their respective business at any time prior to January 1, 1909, or the "closed shop" in their respective business at any time;

From arranging for or proceeding with a referendum vote by the subordinate branches or locals of said union upon the subject of instituting or maintaining strikes against the businesses of the said members of said Typothetae, or any of them, for the refusal or failure of said members or any of them to institute and maintain the "eight-hour day" in their respective businesses prior to January 1, 1909, or the "closed shop" in their respective businesses at any time, and also from counting any such vote and from reporting, writing, telegraphing, or aiding or assisting in any matter or thing related to or connected with the taking, recording or acting upon such referendum vote described in the constitution of said union and in the bill of complaint filed herein;

From paying any strike benefits or money in instituting and maintaining or assisting to institute and maintain any strike, called or which may be called against the business of the said members of said Typothetae or any of them, because of the failure or refusal of said members, or any of them, to inaugurate and maintain in their respective businesses, or any of them, the "eight-hour day" prior to January 1, 1909, or the "closed shop" at any time.

In granting this injunction the court rendered an oral opinion which is as follows, omitting only the portion relating to the question of the court's jurisdiction, and portions rehearsing facts above narrated:

That brings us to the main question. The real parties in interest are the employers and the employees. They are the constituents of the two organizations. In their associated capacity they act through officers and agents selected by them. The contract in question was made by the constituent members of these associations, acting through their officers and agents. The employers now seek to enforce practically the specific performance of the contract by enjoining the officers and agents of the employees from: (1) Violating the contract by demanding a modification thereof whereby the "eight-hour day" and the "closed shop" may be instituted; (2) calling, instituting, or inciting strikes or otherwise hindering, interfering with, obstructing, or stopping the business of the employers because of their refusal to institute

the "eight-hour day" and the "closed shop"; (3) arranging for a referendum vote of employees upon the subject of instituting strikes; (4) paying strike benefits.

The "closed shop" is contrary to public policy, and the demand for the immediate adoption of the "eight-hour day" is violative of the contract. Now, this is the situation as I see it. This contract was made. The old officers were succeeded by new ones, who were dissatisfied with it. They insisted upon a modification of it which would recognize the "closed shop" and adopt at once the "eight-hour day." The Typothetae stood upon its contract rights and refused to make this concession, refused to change and modify the contract made, and it is alleged in the bill that in consequence thereof strikes have been declared against certain members of the Typothetae in different parts of the country, and that strikes are threatened as against all members of the Typothetae who may refuse to accede or consent to the modification of the contract as demanded. Practically the union is insisting upon a new contract.

The service of the employees, members of the union, is neither special, extraordinary, nor unique, in the sense that it could not otherwise be supplied, and that its loss would cause irreparable injury, and it is not sought to restrain them from quitting the service of their employers, but only that their officers, agents, and representatives be restrained from inciting them to strike, unless the contract be so modified as to make provision for the "eight-hour day" and "closed shop," and to make it effective at once. It is not a question, therefore, of whether the men who work shall be enjoined from striking, but it is a question whether the officers, agents, and representatives of these men, who represent the organization and control it, shall be permitted to incite the men to strike, to induce them to strike, and thereby repudiate the contract which was made by them through their agents at the January convention of 1907. The bill charges that the executive officers and directors have conspired to force the making of a new contract which will embody these two demands, and, in the event of the refusal of the Typothetae to agree thereto, then to enforce these demands by strikes, and that they are using their position, power, and authority to control and induce the men to strike. That, in substance, is the allegation of the bill.

The court is not asked to make an order enjoining the men from striking, and, if it were asked, would refuse to grant it, because, as already stated, no case is made, nor can be made, in which the court would compel the men to labor. They cannot be made slaves. They cannot be compelled to work, and it is not sought by this bill to compel them to work; but it is sought to prevent the officers of the organization from using their power and influence to induce the men to strike in violation of their contract.

It is plain that these officers have great influence and power with the body of men composing this association, and if they exercise it unlawfully — exercise it for the purpose of repudiating the contract — they may be restrained from exercising such power and influence, although the men themselves cannot be restrained from striking, or from walking out, at any time, and refusing to work. In a word, the proposition dealt with is this: May the officers of this organization, in violation of this contract, induce, influence, incite or coerce the men into resorting to a strike to compel a modification of the contract? Shall they be permitted to do that?

Now, after having carefully read these pleadings, the affidavits, and the different exhibits, it seems to me plain that in January, 1907, a contract was completed between these two associations, after a contest over these very questions that are now raised, and it was believed by those representing the union at that time that the best thing they could do would be to accept the proposition to make the "eight-hour day" operative in 1909. They felt compelled to accept that as a reasonable time. It was a question as to what would be a reasonable time, and from their point of view a reasonable time was at once. The other side sought to postpone it as long as possible, and finally a compromise was reached fixing 1909 as the time. When the new officers came in, they were dissatisfied with the action of the old board of directors and of the officers and with the convention. They thought that those men should have made a stronger fight. They felt that the union had not been fairly treated; that if they had stood out as they should have done they could have shortened the time. They felt aggrieved. Then they made the demand that this contract, which had been made by the old board and officers, should be modified to meet their wishes, or that they would not abide by it.

I am compelled to dispose of this case upon what appears in the bill and the accompanying affidavits. There is no answer, and no affidavits on behalf of the defendants, except the ones I have read. I am now disposing of the application practically upon what is shown by this bill. It is shown by the bill that, being advised of this contract, they advised the men to repudiate it, to demand that the "eight-hour day" be made operative at once, and also the "closed shop," and to enforce the demand they threatened strikes, and it is alleged that strikes have been entered upon in Chicago, and other places throughout the country, and that a strike will be instituted against every member of the Typothetae unless it consents to this modification of the contract.

Now, so far as the men are concerned, if they take it into their own hands, they may walk out, but this court is asked to stay the hands of the officers who manage and control this organization, who have power to influence, to incite, to put on foot these strikes, who have all the machinery in their hands, and who seek to use it to induce and incite these men to violate a contract that was fairly made.

I am of the opinion, therefore, that a case is made requiring that these officers, named, be enjoined, in the respects prayed in the bill, from exercising their power, their control, and their influence to induce strikes for that purpose. (*Barnes & Co. v. Berry*, 156 Fed. Rep. 75-8.)

In the above opinion it is clearly seen that the court considered that on the evidence presented at that time the 1907 agreement was a contract "fairly made" and in full force between the two organizations of employers and employees. But in a decision on the question of making the temporary injunction permanent, rendered on February 1st, the court reversed its opinion, holding that the agreement was not binding on the ground both that the union's board of directors exceeded its authority in agreeing to

the "eight-hour" clause, and that even if the directors had had authority to make the agreement, performance thereof by the members of the union could not be enforced by injunction. Judge Thompson's opinion recites at length the facts in connection with the negotiations which resulted in the 1907 agreement. These have already been detailed in the present account. Omitting that portion of the opinion therefore, the remainder is as follows:

This suit was brought to prevent the violation of, and practically to enforce, the specific performance of an alleged agreement between two voluntary associations, namely, the United Typothetae of America and the International Printing Pressmen and Assistants' Union of North America. * * *

The complainants claim, and the defendants deny, that the committee of the union was authorized by the convention of 1906 to make the contract without ratification by a convention of the union; and the questions to be considered in determining the controversy are: (1) Had the committee of the union full and final authority to make the contract? (2) If so, can performance thereof be enforced indirectly by enjoining the officers of the union from paying strike benefits, and from doing anything in furtherance of strikes? * * *

A persistent effort to secure the establishment of the eight-hour workday is evidenced by the action of four annual conventions of the union. The Cincinnati convention of 1904 instructed its board of directors to "negotiate" for an eight-hour workday; the San Francisco convention of 1905 instructed its board of directors to secure "if possible" a workday of eight hours; the Pittsburgh convention of 1906 instructed its board of directors "to secure a renewal of the agreement with a declaration as to whether the eight-hour day will be agreed to;" and the Brighton Beach convention of 1907 offered to ratify the contract of January 8, 1907, "provided the 'open shop' clause is stricken out and an amendment is inserted providing for nine hours' pay for the eight-hour day." It will be observed that the second report of the committee on officers' reports to the Pittsburgh convention in relation to the "U. T. A. agreement" and "the eight-hour day," above set forth, was not offered by that committee or adopted by the convention as an instruction to the board of directors, but as an approval of the plan of assessment formulated by the board of directors and as a declaration of the convention itself in favor of the inauguration of an "eight-hour day" immediately after the expiration of the agreement then existing, provided it was not within the scope of possibilities of having it amicably arranged between the two associations within a reasonable time after the expiration of the agreement then existing. The board of directors appointed or chosen by the San Francisco convention, in their report to the Pittsburgh convention, asked that convention to "instruct the incoming board of directors to meet as a committee with a like committee on the part of the United Typothetae of America, * * * the committee on our part to strive with all powers possible to have some concessions made by the Typothetae toward having the eight-hour day established within a reasonable time, * * * and an agreement with that intent

be entered into, the committee on our part having power to sign up such an agreement, if the eight-hour day can be brought within a reasonable time of attainment; if not, the committee to report back to our next convention, as provided in section 6 of this report;" but the only power given by the convention to the incoming board of directors was "to meet with like committee on the part of the U. T. A. with instructions to secure a renewal of the agreement with a declaration as to whether the eight-hour day will be agreed to." The Typothetae had theretofore refused to consider the adoption of the "eight-hour day," and the convention of the union had declared in favor of its adoption immediately after the expiration of the existing agreement, unless the two associations could agree upon some reasonable time thereafter, and the directors were instructed to obtain from the Typothetae a declaration as to whether it would agree to the "eight-hour day;" that is, whether the Typothetae would consider the demand for it, and at some time agree to it. The directors were not authorized in securing the renewal of the existing agreement to add new terms thereto; nor were they instructed to determine what would be a reasonable time after the expiration of the existing agreement within which to inaugurate the "eight-hour day," nor were they empowered to conclude a new agreement with the Typothetae. If they succeeded in securing the consent of the Typothetae to the renewal of the old agreement, with a declaration as to whether or not the "eight-hour day" would be agreed to, the instructions given them would be fulfilled, and their only remaining duty would be to report their action to the next convention. In their report it would have been proper to recommend what action, in their opinion, should be taken by the convention, giving their reasons therefor, but, under the instructions given them, final action could be taken only by the convention. The board of directors exceeded its authority in permitting new matter to be added to the renewal agreement, and in assuming power to bind the union by the agreement entered into by them with the Typothetae.

If the board of directors were authorized to enter into the agreement on behalf of the union, can performance thereof by the men of the union be enforced by injunction? The agreement is not a contract of employment between members of the Typothetae and men of the union, but is a contract between the two associations for the purposes hereinafter stated. We are not advised of the terms of the employment of union men by members of the Typothetae, except as to hours of labor. So far as we are advised by the pleadings and the evidence, they might at any time, without breach of the contract of employment, withdraw from the service of the Typothetae. It is not shown that they agreed to work for any definite time, nor is there any provision in the agreement between the two associations fixing the time of service, and if therefore, they should, at any time, with or without cause, withdraw from the service of members of the Typothetae, they would be within their rights. As heretofore stated, the agreement was repudiated by the union at the Brighton Beach convention, and thereafter the men of the union, by a referendum vote, declared in favor of the inauguration of the "eight-hour day" on November 18, 1907, and its maintenance is now the established policy of the union, and the defendants, its officers, are charged with the duty of carrying it out, and pending the strikes incident thereto may the men employed by the Typothetae be deprived of the advice and assistance of their officers and

of strike benefits? The strike benefit fund is created by moneys deposited by the men with the general officers for the support of themselves and families in times of strikes, and the court has no more control of it than it would have over deposits made by them in the banks, and the attempt to enforce specific performance of the agreement by enjoining the officers from performing their functions can not be entertained. The court will not by indirect methods compel the men to continue in the service of the Typothetae and work nine hours a day. The agreement only requires that, if they work at all, they shall work nine hours a day. There is no agreement that they shall continue in the service of the Typothetae until January 1, 1909.

The bill will be dismissed, at the complainants' costs.

An effort, similar to the above, to enforce the agreement of January, 1907, by injunction process was made in New York courts, but likewise unsuccessfully. As already noted strikes of pressmen had been inaugurated in New York City on October 4th and 5th. On the latter date, upon application of the national president of the United Typothetae of America, the Supreme Court issued an order to the international president of the pressmen's union and the presidents of Pressmen's Union No. 51 and the Feeders' and Assistants' Unions Nos. 1 and 23 to show cause at a special term of the court on October 9th why an injunction should not issue restraining them from "refusing to carry out the items" of the agreement as engaging in strikes or boycotts in violation of the agreement. But in special term Justice McCall denied the motion for the injunction. His brief opinion was as follows:

"If the plaintiff has any right at all to the injunctive relief prayed for, it must be based upon the asserted contract, and if that is not a valid instrument of binding force the relief he seeks on this motion can not be afforded him. I do not want to enter into any extended analysis of the conditions presented for obvious reasons that bear upon anticipation of judicial action in the trial of the case upon its merits, and which trial can be speedily had. Suffice it to say that I have too grave and serious doubts in reference to the existence of validity or binding force of this alleged contract to warrant the granting of this relief. The motion is therefore denied." *

From this decision an appeal was taken by the Typothetae to the Appellate Division of the Supreme Court, First Department, but on February 7th the latter unanimously affirmed the order of special term. The significant portions of the opinion, which

*As reported in New York Law Journal of Nov. 25, 1907, p. 811.

was written by Justice Laughlin, omitting mere statement of facts in the case, follows:

"The jurisdiction of a court of equity to enjoin a labor organization or its members from declaring a strike in violation of a contract and the propriety of exercising such jurisdiction are not fairly presented by the record, and therefore we refrain from expressing an opinion thereon. The plaintiff is not an employer of men. It is an association of local branch associations, called "Local Typothetae," which do not employ men; but their members are master printers who employ pressmen. It has a local branch association in the City of New York, known as 'The Typothetae of the City of New York,' which has upwards of fifty members engaged in the printing business in said city. It appears that a strike is threatened by the defendants, the local unions, against some of the members of the plaintiff's local branch association in New York. The theory upon which the action is brought is not that the plaintiff will sustain any irreparable damage, but that the members of its local branch association, against whom the strike is threatened, will sustain such damages, and the action is brought in their behalf.

* * * * *

"These provisions* doubtless authorized the plaintiff to legislate on the subjects specified for its subordinate branches with respect to *the conditions upon which their members shall employ men*, excepting as to the rate of wages which is expressly excluded from the jurisdiction; but it is doubtful whether they authorized the plaintiff to make contracts in behalf of the members of the local associations which would be binding upon the members thereof, to *employ any pressmen*, and it is not clear that it is authorized to maintain an action for the benefit of the members of its local branch associations.

* * * * *

* * * The agreement of January 8, 1907, does not purport to obligate the members of any subordinate union of the International Union to *work* for members of the plaintiff's local branch associations, nor does it obligate the latter to *employ* the former. It merely prescribed the terms and conditions under which men when employed should work. The plaintiff, therefore, shows no basis for its action, unless it be that part of the agreement of January 8, 1907, which purports to obligate the International Union from declaring a strike during the continuance of the contract, unless for a violation of the contract, and purports to obligate the members of plaintiff's subordinate local branches not to engage in any lockout excepting in case of a breach of the contract by a local union of the International Union or its members. Under the constitution of the International Union, and the constitution and by-laws of its local unions, a strike probably could not be successfully inaugurated if its officers were enjoined from authorizing it, because a strike may not be called by a local union without the approval of the majority of the officers of the International Union, and should it be called without such approval, the members thus striking would not be entitled to receive the allowance of \$7.00 per week for married men and \$5.00 for single men to which they are entitled from the treasury of the International Union for

* Provisions of the Constitution of the Typothetae cited in the preceding paragraph.

a period of eight weeks, provided the strike is regularly called and duly authorized, which allowance may be continued longer in certain contingencies. Aside from the question as to whether four of the five directors, acting as a special committee, could bind the International Union to a contract which the five might have made, there is grave doubt as to whether it was competent for the committee to bind the International Union by this contract, which postponed the going into effect of the eight-hour day for a period of twenty months after the expiration of the contract under which the parties were then acting, and even then did not secure the same wages for the eight-hour day as for the nine. There is much force in the argument that the authority of the committee was to make a tentative agreement, unless the plaintiff yielded to the eight-hour demand, and to report their action, as was apparently done, to the next convention. There are some things in the action of the convention of 1906 indicating that this was the intention and the action of the convention in 1907 only constituted a ratification of the agreement if amended in two particulars. The eight-hour clause in the agreement of January 8, 1907, was of no practical value, for it did not secure the right to the pressmen to pay as for a previous nine-hour day, and this is emphasized by the refusal of the convention of the plaintiff in 1907 to accept the amendment proposed in that regard. It is quite clear that the authority conferred by the convention of the International Union in 1906 upon the committee to negotiate a renewal of the contract was to secure to the pressmen an eight-hour day without reduction in wages within a reasonable time.

"It follows, therefore, that the motion for the injunction was properly denied.

"The order appealed from should be affirmed with \$10.00 costs and disbursements."

FACTORY INSPECTION.

Statistics for the Fourth Quarter, 1907.

Tables IX, X, XI and XII of the Appendix contain the usual quarterly statistics as heretofore published of factory inspection work, accidents in factories, children's employment certificates issued in principal cities and licenses for manufacturing in tenements. In addition, Table XIII summarizes the prosecutions for violation of factory laws in the fourth quarter. The prosecutions begun during the three months numbered 130 as compared with 99 in 1906. Of the new cases 123 were prosecutions for violation of the child labor law, including 44 for violation of the new law of 1907 restricting the hours of work of children under 16 to eight per day, and two cases for violation of the provision of the same law prohibiting the employment of such children after 5 o'clock P. M.

Employment certificates for children between 14 and 16 years of age were issued in the fourth quarter of the year by the health department of New York City in larger numbers in 1907 than in 1906, the increase being chiefly in Brooklyn Borough.

The increase in 1907 over 1906 was slightly larger than the increase in 1906 as compared with 1905. In the eight other first and second class cities the number of certificates issued in the fourth quarter shows a decrease as compared with 1906 in all except Syracuse, where the number was somewhat larger in 1907, and Troy, where the number issued in 1907 was the same as the year before. The decrease in these cities is the more noticeable when it is recalled that in all of these cities there was a marked increase in 1906 over 1905.

During the fourth quarter of 1907, 674 licenses to carry on manufacturing in tenement-houses were issued, of which all but fifteen were in New York City. In the same period, 38 licenses (all but one in the metropolis) were returned by the holders and one in New York City was revoked because the requirements of the law were not lived up to, making a net increase of 635 (621 in New York City) in the number of licenses outstanding, as compared with a net increase of 546 in the third quarter of 1907.

During October, November and December 4,364 accidents in factories, quarries and tunnel construction were reported as com-

pared with 4,616 in the same months of 1906. This decrease is undoubtedly to be credited to the largely decreased number of employees at work owing to the business contraction during the quarter. Fatal accidents reported in the quarter numbered 78 as against 86 for the same quarter of 1906.

Factory Statistics, Year Ended September 30, 1907.

Tables I to IV in the Appendix present summaries of the statistics of employees in factories inspected during the report year 1907, and of accidents in factories and quarries in that year. This advance publication in the BULLETIN is in anticipation of the annual report of the Bureau of Factory Inspection, which will contain detailed statistics of factory employees by industries and localities and further statistics of accidents, but the printing of which will be delayed for many months.

For the year ended September 30, 1907, the number of factories (including bakeries and laundries) inspected was 40,118. The total number of employees reported at time of latest inspection in the year was 1,139,788, including 53,233 office employees and 1,086,555 in the shops. Of the shop force 309,505 were women over sixteen years of age. The number of children between 14 and 16 years of age found was 14,328* of whom 417 (including 32 girls) were in the offices and 13,911 were shop employees. Of the latter 6,542 were boys and 7,369 girls.

The number of accidents to employees in factories, mines and quarries reported during the year ended September 30, 1907, is the greatest of any year since the bureau of factory inspection began the collection of such statistics. During the last five years the number of accidents reported has increased nearly four-fold and the total number for 1907 is nearly 6,000 greater than in 1906, thus:

Year.	Number of accidents reported.
1903	5,660
1904	6,874
1905	7,563
1906	13,505
1907	19,431

* This, being the number at time of latest inspections, is naturally less than the total shown in the table at page I.88 of the annual report of the Commissioner of Labor for 1907, the latter representing the maximum numbers found on any inspection.

No conclusion can be drawn from the figures as to whether accidents in factories are increasing or not because the increase which appears in the above figures is chiefly, if not wholly, due only to a nearer approach to completeness of returns. Upon this point it is worth while to reproduce the comments of former Commissioner of Labor Sherman concerning the reports of accidents in 1907, in his annual report for that year, p. I. 38:

"And unfortunately far from the total number of accidents that have occurred have been reported; and a large proportion of those reported have not been accompanied by descriptions of their causes specific enough to be of any individual use. Strenuous efforts to secure full and accurate reports have been continued under my personal direction, with the result that the number has steadily risen. * * * The amendment of 1906 to section 87, which provided that statements in reports of accidents should not be admissible in evidence in suits for damages, and the constant practice of the Department of keeping everything about particular reports strictly confidential, has removed much of the former reluctance to comply with its requirements. Nevertheless there remain many factories that do not report. Of these, as we are frequently discovering, some are large and have many accidents. But the majority are those that have few, and omit to report them through ignorance or forgetfulness."

Suggestions to Deputy Factory Inspectors on Ventilation.

BY CHIEF FACTORY INSPECTOR W. W. WALLING.

Ventilation, as commonly understood, means the removal of foul and the introduction of fresh air, and in many cases it includes the idea of a thorough mixing of pure with impure air, in order that the latter may be diluted to a certain standard. According to Dr. John S. Billings, perfect ventilation means that any and every person in a room takes into his lungs at each respiration, air of the same composition as that surrounding the building, no part of which has recently been in his own lungs or those of his neighbors, or which consists of the products of combustion generated in the building, while at the same time he feels no currents or drafts of air, and is perfectly comfortable as regards temperature, being neither too hot nor too cold.

Air is a mixture of gases and vapors, two of which, oxygen and nitrogen, constitute the greater part, and are found in almost constant proportions. From a hygienic standpoint, nitrogen possesses but little interest, while without oxygen, fires and lights would not burn, food would not digest, the blood remain un-

purified and life would soon cease. Air also contains various other gases and watery vapors, while from three to four parts in ten thousand of carbonic acid gas is generally present. The chemical composition of one hundred parts of free atmosphere is herewith contrasted with the same number of parts of expired air:

Free atmosphere	0.03¼	Carb. Ac.	4.3¾	} Expired air
	79.2	Nitrogen	79.2	
	20.8	Oxygen	15.4	

It is therefore patent that expired air contains five per cent less oxygen and a little over four per cent more of carbonic acid gas than that which is inhaled. Carbon dioxide, better known as carbonic acid gas, is commonly considered the poisonous gas in the atmosphere, but this is hardly true, as large quantities can be breathed with impunity when pure and mixed with air. It will not support life, and by shutting out the required amount of oxygen, it produces asphyxia. We need ventilation because we have to breathe, because every breath uses up and spoils a certain amount of air. A person will drown in one or two minutes, because air is kept out of the lungs. Sleeping in a room wherein an open charcoal fire is burning produces the same results as drowning, and has been frequently used by those with suicidal bent. In this connection is always cited the famous instance of the Black Hole of Calcutta. This was a room about eighteen feet square and during the Sepoy Mutiny of 1857 one hundred and forty-six Europeans were incarcerated for a night. Although the room had two small windows, one hundred and twenty-six men died during the night, while the survivors lived but a short time. Another case is that of the Steamer "Londonderry," which was overtaken by a storm in the Irish Sea. The two hundred passengers were ordered below and the hatches battened, when before their suffering could induce the captain to set them at liberty, seventy-two had died of suffocation. While these are extreme cases, causing almost instant death, impure air produces slow poisoning, and is too frequently the direct cause of consumption and its accompanying diseases, bronchitis, catarrh and pneumonia, while diphtheria, measles and various fevers are pro-

moted by it. The immediate effect of breathing impure air, one experienced by each of us, is a feeling of stupor, inactivity, drowsiness, languor and sometimes headache, vertigo and nausea. Little dependence can be placed on the sense of smell as an agent in detecting foul air, as no other organ is more easily deadened by excessive action than the nose. The oppressive, sickening, oft-times nauseating odor that greets one upon entering an illy ventilated room is scarcely noticed after a few minutes. Not until the return to the pure air is the foul atmosphere a subject of thought. It has been aptly said that "He who lives in a garden cannot smell a rose, while the wood cutter in the southern forests is insensible to the odor of the magnolia." Stepping into a closed bedroom where a person has slept all night, the smell is often intolerable, while the person who occupied it detects nothing unusual. The peculiar odor common to churches, noticeable upon entry, is forgotten by the time one reaches his pew. It is therefore obvious that the sense of smell is not sufficient to warn us of danger in atmospheric conditions and that other means have to be adopted. The safest and most practicable method is that of measuring the carbon dioxide. While not of itself particularly dangerous, carbon dioxide is usually found in very bad company, and its presence indicates with much certainty the presence of those really offensive and dangerous gases and impurities which are a menace to life and health. In large factory buildings heating and ventilating are almost inseparably connected, still there is scarcely a factory in New York wherein any provision is made for proper ventilation. In order to heat a building with the greatest economy, windows and doors are made as tight and close fitting as possible consistent with opening, and in many cases the only pure air entering a building is that which finds its way around windows and doors.

An old writer said "When men lived in houses of reeds, they had constitutions of oaks; when they live in houses of oak, they have constitutions of reeds."

Since ventilation is obtained by bringing in a constant supply of fresh air and forcing out impure and vitiated air, it is evident that open windows in many instances will provide more or less adequate and satisfactory ventilation. Window ventilation is,

however, limited, since the introduction of a large volume of cold air causes drafts, and those engaged in sedentary occupations can not work in a draft. Simple arrangements can be made whereby the incoming air at the bottom of the window is deflected upward, while proper openings at the top will allow for the removal of the vitiated air, and in many factories, if there are sufficient heating facilities, this method may suffice. Other factories will require the removal of foul air by aspirating flues, wherein the air is moved by natural or mechanical means. Whenever the introduction of sufficient air reduces the temperature of the room to an uncomfortable degree, it is obvious that the ventilation and heating systems must be combined. I believe we are justified in demanding a system that will furnish, in ordinary trades, a minimum of two thousand cubic feet of fresh air per hour for each person, and the removal of the same amount, which supply under no circumstances should fall below fifteen hundred cubic feet per hour. As a ventilating system, properly installed, is a part of the factory building, it should be, and by the amended provisions of section 94 of our law, must be provided by the owner, agent or lessee of the property and in a tenant factory the duty of maintenance and repair is that of the tenant or occupant. While there is some variance of opinion as to the best method to provide suitable ventilation, we will leave owners free to ventilate by such methods as they may see fit to employ, insisting however on the amount of air as stated above. Noxious gases, excessive heat and dust should be removed by the use of hoods and pipes placed over the machines or the places where generated. The amount of air required to ventilate a room wherein a noxious gas is generated would be much less if a hood were used than if the gas were allowed to permeate all parts of the workroom. This applies to excessive heat conditions also. It is not expected or even necessary that inspectors should be experts on this great subject of ventilation; the details properly belong to the heating and ventilating engineer. To be able to explain the necessity for ventilation, what the department will insist on, and to determine whether a system is satisfactory will be quite enough for present needs.

UNITED STATES SUPREME COURT DECISIONS.

Since January 1, 1908, the United States Supreme Court has rendered four important decisions touching the interests of labor. These decisions involved four questions of great, though different degrees of significance, viz, the constitutionality of factory laws limiting the hours of labor of adult women; the constitutionality of the federal employers' liability act; the legality of a boycott which affects inter-state trade; and the constitutionality of a law prohibiting discrimination by employers against union members. The first was decided affirmatively, the last three negatively. The first has been regarded quite generally by wage earners as favorable, the last three as inimical, to the interests of labor.

Below are given all the significant portions of the prevailing opinions in these cases not in their chronological order, but in the order as mentioned above which is probably the order of their importance in their practical effects upon the welfare of working people. Preceding each is a brief indication of its practical significance.

I. *The Oregon Ten-Hour Law for Women.*— In affirming the constitutionality of an Oregon law limiting the hours of work of women in laundries to ten per day, the court based its conclusion on the broad general considerations that the physical constitution of woman in such as to make long hours of labor a special menace to her health and therefore justifies an exercise of the police power of the State to limit her hours in the interests of the public health and that her economic position in society is such as to make her less independent than man and therefore justifies limitation of "freedom of contract" in her case for her own protection and to secure to her equal rights with men. Based on these broad grounds this decision virtually lays down a solid basis of constitutionality for the limitation of working hours for women by State laws generally. No less than twenty of the States now have some such laws. Heretofore, however, the constitutionality of such laws was not certain. In five States, Massachusetts, Nebraska, Oregon, Pennsylvania and Washington, the highest courts had sustained such laws, but in Illinois such an act had been held unconstitutional. But hereafter it may be regarded as settled that a State

may properly limit the hours of work of women to such as shall certainly in no degree menace their health. The practical significance of this decision for the welfare of working women, it may be noted, is considerably heightened by the fact that while labor organization has been a great engine of progress toward shorter hours for men, that agency has been of comparatively little assistance to women owing to the weakness of organization among them.

Following is the opinion of the court which was delivered by Mr. Justice Brewer. The decision was rendered on February 28th, and was unanimous:

On February 19, 1903, the legislature of the State of Oregon passed an act (Session Laws, 1903, p. 148), the first section of which is in these words:

"SECTION 1. That no female (shall) be employed in any mechanical establishment, or factory, or laundry in this State more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any one day."

Section 3 made a violation of the provisions of the prior sections a misdemeanor, subject to a fine of not less than \$10 nor more than \$25. On September 18, 1905, an information was filed in the Circuit Court of the State for the county of Multnomah, charging that the defendant "on the 4th day of September, A. D. 1905, in the county of Multnomah and State of Oregon, then and there being the owner of a laundry, known as the Grand Laundry, in the city of Portland, and the employer of females therein, did then and there unlawfully permit and suffer one Joe Haselbock, he, the said Joe Haselbock, then and there being an overseer, superintendent and agent of said Curt Muller, in the said Grand Laundry, to require a female, to wit, one Mrs. E. Gotcher, to work more than ten hours in said laundry on said 4th day of September, A. D. 1905, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon."

A trial resulted in a verdict against the defendant, who was sentenced to pay a fine of \$10. The Supreme Court of the State affirmed the conviction (48 Ore. 252), whereupon the case was brought here on writ of error.

The single question is the constitutionality of the statute under which the defendant was convicted so far as it affects the work of a female in a laundry. That it does not conflict with any provisions of the State constitution is settled by the decision of the Supreme Court of the State. The contentions of the defendant, now plaintiff in error, are thus stated in his brief:

"(1) Because the statute attempts to prevent persons, *sui juris*, from making their own contracts, and thus violates the provisions of the Fourteenth Amendment, as follows:

"'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'

"(2) Because the statute does not apply equally to all persons similarly situated, and is class legislation.

"(3) The statute is not a valid exercise of the police power. The kinds of work prescribed are not unlawful, nor are they declared to be immoral or dangerous to the public health; nor can such a law be sustained on the ground that it is designed to protect women on account of their sex. There is no necessary or reasonable connection between the limitation prescribed by the act and the public health, safety or welfare."

It is the law of Oregon that women, whether married or single, have equal contractual and personal rights with men. As said by Chief Justice Wolverton, in *First National Bank v. Leonard*, 36 Ore. 390, 396, after a review of the various statutes of the State upon the subject:

"We may therefore say with perfect confidence that, with these three sections upon the statute book, the wife can deal, not only with her separate property, acquired from whatever source, in the same manner as her husband can with property belonging to him, but that she may make contracts and incur liabilities, and the same may be enforced against her, the same as if she were a *feme sole*. There is now no residuum of civil disability resting upon her which is not recognized as existing against the husband. The current runs steadily and strongly in the direction of the emancipation of the wife, and the policy, as disclosed by all recent legislation upon the subject in this State, is to place her upon the same footing as if she were a *feme sole*, not only with respect to her separate property, but as it affects her right to make binding contracts; and the most natural corollary to the situation is that the remedies for the enforcement of liabilities incurred are made coextensive and coequal with such enlarged conditions."

It thus appears that, putting to one side the elective franchise, in the matter of personal and contractual rights, they stand on the same plane as the other sex. Their rights in these respects can no more be infringed than the equal rights of their brothers. We held in *Lochner v. New York*, 198 U. S., 45, that a law providing that no laborer shall be required or permitted to work in bakeries more than sixty hours in a week or ten hours in a day was not as to men a legitimate exercise of the police power of the State, but an unreasonable, unnecessary and arbitrary interference with the right and liberty of the individual to contract in relation to his labor, and as such was in conflict with, and void under, the Federal Constitution. That decision is invoked by plaintiff in error as decisive of the question before us. But this assumes that the difference between the sexes does not justify a different rule respecting a restriction of the hours of labor.

In patent cases counsel are apt to open the argument with a discussion of the state of the art. It may not be amiss, in the present case, before examining the constitutional question, to notice the course of legislation as well as expressions of opinion from other than judicial sources. In the brief filed by Mr. Louis D. Brandeis, for the defendant in error, is a very copious collection of all these matters, and epitome of which is found in the margin.*

*The following legislation of the States impose restriction in some form or another upon the hours of labor that may be required of women: Massachusetts: 1874, Rev. Laws 1902, chap. 106, sec. 24; Rhode Island: 1885, Acts and Resolves

While there have been but few decisions bearing directly upon the question, the following sustain the constitutionality of such legislation: *Commonwealth v. Hamilton Mfg. Co.*, 125 Mass. 383; *Wenham v. State*, 65 Neb. 394, 400, 406; *State v. Buchanan*, 29 Wash. 602; *Commonwealth v. Beatty*, 15 Pa. Sup. Ct. 5, 17; against them in the case of *Ritchie v. People*, 155 Ill. 98.

The legislation and opinions referred to in the margin may not be, technically speaking, authorities, and in them is little or no discussion of the constitutional question presented to us for determination, yet they are significant of a widespread belief that woman's physical structure, and the functions she performs in consequence thereof, justify special legislation restricting or qualifying the conditions under which she should be permitted to toil. Constitutional questions, it is true, are not settled by even a consensus of present public opinion, for it is the peculiar value of a written constitution that it places in unchanging form limitations upon legislative action, and thus gives a permanence and stability to popular government which otherwise would be lacking. At the same time, when a question of fact is debated and debatable, and the extent to which a special constitutional limitation goes is affected by the truth in respect to that fact, a widespread and long continued belief concerning it is worthy of consideration. We take judicial cognizance of all matters of general knowledge.

It is undoubtedly true, as more than once declared by this court, that the general right to contract in relation to one's business is part of the liberty of the individual, protected by the Fourteenth Amendment to the

1902, chap. 994, p. 78; Louisiana: 1886, Rev. Laws 1904, vol. 1, sec. 4, p. 989; Connecticut: 1887, Gen. Stat. revision 1902, sec. 4691; Maine: 1887, Rev. Stat. 1903, chap. 40, sec. 48; New Hampshire: 1887, Laws 1907, chap. 94, p. 95; Maryland: 1888, Pub. Gen. Laws 1903, art. 100, sec. 1; Virginia: 1890, Code 1904, tit. 51A, chap. 178A, sec. 8657b; Pennsylvania: 1897, Laws 1905, N. 226, p. 352; New York: 1899, Laws 1907, chap. 507, sec. 77, subdivision 3, p. 1078; Nebraska: 1899, Comp. Stat. 1905, sec. 7055, p. 1986; Washington: Stat. 1901, chap. 68, sec. 1, p. 118; Colorado: Acts 1903, chap. 138, sec. 3, p. 310; New Jersey: 1892, Gen. Stat. 1895, p. 2850, secs. 66 and 67; Oklahoma: 1890, Rev. Stat. 1903, chap. 25, art. 58, sec. 729; North Dakota: 1877, Rev. Code 1905, sec. 9440; South Dakota: 1877, Rev. Code (Penal Code sec. 764), p. 1185; Wisconsin: 1867, Code 1898, sec. 1728; South Carolina: Acts 1907, No. 238.

In foreign legislation Mr. Brandeis calls attention to these statutes: Great Britain, 1844; Law 1901, 1 Edw. VII, ch. 22. France, 1848; Act Nov. 2, 1892, and March 30, 1900. Switzerland, Canton of Glarus, 1848; Federal Law 1877, art. 2, sec. 1. Austria, 1855; Acts 1897, art. 96a, secs. 1-3. Holland, 1889; art. 5, sec. 1. Italy, June 19, 1902, art. 7. Germany, Laws 1891.

Then follow extracts from over ninety reports of committees, bureaus of statistics, commissioners of hygiene, inspectors of factories, both in this country and in Europe, to the effect that long hours of labor are dangerous for women, primarily because of their special physical organization. The matter is discussed in these reports in different aspects, but all agree as to the danger. It would of course take too much space to give these reports in detail. Following them are extracts from similar reports discussing the general benefits of short hours from an economic aspect of the question. In many of these reports individual instances are given tending to support the general conclusion. Perhaps the general scope and character of all these reports may be summed up in what an inspector for Hannover says: "The reasons for the reduction of the work day to ten hours — (a) the physical organization of women, (b) her maternal functions, (c) the rearing and education of the children, (d) the maintenance of the home — are all so important and so far reaching that the need for such reduction need hardly be discussed."

Federal Constitution; yet it is equally well settled that this liberty is not absolute and extending to all contracts, and that a State may, without conflicting with the provisions of the Fourteenth Amendment, restrict in many respects the individual's power of contract. Without stopping to discuss at length the extent to which a State may act in this respect, we refer to the following cases in which the question has been considered: *Allgeyer v. Louisiana*, 165 U. S. 578; *Holden v. Hardy*, 169 U. S. 366; *Lochner v. New York*, *supra*.

That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race.

Still again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and this control in various forms, with diminishing intensity, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved. Education was long denied her, and while now the doors of the school room are opened and her opportunities for acquiring knowledge are great, yet even with that and the consequent increase of capacity for business affairs it is still true that in the struggle for subsistence she is not an equal competitor with her brother. Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights. She will still be where some legislation to protect her seems necessary to secure a real equality of right. Doubtless there are individual exceptions, and there are many respects in which she has an advantage over him; but looking at it from the viewpoint of the effort to maintain an independent position in life, she is not upon an equality. Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. Even though all restrictions on political, personal and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane with him, it would still be true that she is so constituted that she will rest upon and look to him for protection; that her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. Many words cannot make this plainer. The two sexes differ in structure of body, in the functions to be performed by each,

in the amount of physical strength, in the capacity for long-continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self-reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation and upholds that which is designed to compensate for some of the burdens which rest upon her.

We have not referred in this discussion to the denial of the elective franchise in the State of Oregon, for while that may disclose a lack of political equality in all things with the brother, that is not of itself decisive. The reason runs deeper, and rests in the inherent difference between the two sexes, and in the different functions in life which they perform.

For these reasons and without questioning in any respect the decision in *Lochner v. New York*, we are of the opinion that it cannot be adjudged that the act in question is in conflict with the Federal Constitution, so far as it respects the work of a female in a laundry, and the judgment of the Supreme Court of Oregon is affirmed. (*Curt Muller vs. State of Oregon*).

II. *The Federal Employers' Liability Act.*—This decision makes void, on the ground of unconstitutionality, the Federal Employers' Liability Act of 1906. The ground of the decision is not that Congress may not extend as in the act the liability of employers who are engaged in inter-state commerce, but that the act was so worded as to apply to commerce which is solely intra-state, as well as to that which is inter-state. To the extent, therefore that the law applied to the former, over which Congress has no authority, it was unconstitutional, although it is expressly held that if the act could be interpreted as applying only to the latter it would be constitutional. But the form of the act is such as to make it impossible, under any fair interpretation, to separate that part which applies to inter-state, from that which applies to intra-state commerce, and hence the law as a whole must be held void. The practical effect of the decision is two-fold. First, undoubtedly the field to which a federal liability law may be made to apply is narrower than was anticipated. For example if a railroad is engaged in inter-state transportation, but at the same time has a branch line doing business wholly within a State, such a federal law would be valid for the employees engaged in the interstate transportation of the company, but can not apply to its employees engaged in the work of the branch line. Further, the difficulty of drawing a clear line of demarcation between the two fields of operation of the same employer, may hamper an act properly drawn for the exclusive field to which it may apply. But, second, for its proper

field the way is perfectly clear for the passage of a new and valid law, and the present administration has emphatically voiced its adherence to the principle of the act of 1906 as indicated in the recommendation by President Roosevelt in his two messages of January 31st and March 25th of the immediate re-enactment of a liability law, conforming to the court's decision as to its scope, but strengthened in its provisions within its proper field and urging that in addition, "the government should show its good faith by enacting a further law giving compensation to its own employees for injury or death incurred in its service." The speedy passage of a new liability act seems assured by the fact that at this writing a bill therefor has just passed the House.

The vote of the court on the decision stood five to four against the constitutionality of the law. The four justices dissenting (Moody, Harlan, McKenna and Holmes) were of opinion that the act might be read as applying only to employees "while engaged in" inter-state commerce and so its constitutionality might be saved. The decision was rendered on January 6th. Omitting only an introductory portion which dismissed without decision certain questions raised as to the expediency of the act in general, the court's opinion by Mr. Justice White, was as follows:

* * * * *

All the questions which arise concern the nature and extent of the power of Congress to regulate commerce. That subject has been so often here considered and has been so fully elaborated in recent decisions, two of which are noted in the margin† that we content ourselves, for the purposes of this case with repeating the broad definition of the commerce power as expounded by Mr. Chief Justice Marshall in *Gibbons v. Ogden*, 9 Wheat. 1, 196, 6 L. ed. 23, 70, where he said:

"We are now arrived at the inquiry, What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. * * * If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several states is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States."

Accepting, as we now do and as has always been done, this comprehensive statement of the power of Congress, we also adopt and reiterate the per-

† Lottery Case (*Champlon v. Ames*) 188 U. S. 321, 345, et seq. 47 L. ed. 492, 496, 23 Sup. Ct. Rep. 321; *Northern Securities Co. v. United States*, 198 U. S. 197, 335, 48 L. ed. 679, 699, 24 Sup. Ct. Rep. 436, and cases cited.

spicious statement made in the same case (p. 194), of those matters of state control which are not embraced in the grant of authority to Congress to regulate commerce:

"It is not intended to say that these words comprehend that commerce which is completely internal, which is carried on between man and man in a state, or between different parts of the same state, and which does not extend to or affect other states. Such a power will be inconvenient and is certainly unnecessary. Comprehensive as the word 'among' is, it may very properly be restricted to that commerce which concerns more states than one. . . . The genius and character of the whole government seem to be, that its action is to be applied to all the external concerns of the nation, and in those internal concerns which affect the states generally; but not to those which are completely within a particular state, which do not affect other states, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the government."

We think the orderly discussion of the question may best be met by disposing of the affirmative propositions relied on to establish that the statute conflicts with the Constitution.

In the first place, it is asserted that there is a total want of power in Congress in any conceivable aspect to regulate the subject with which the act deals. In the second place, it is insisted the act is void, even although it is conceded, for the sake of argument, that some phases of the subject with which it is concerned may be within the power of Congress, because the act is confined not to such phases, but asserts control over many things not in any event within the power to regulate commerce.

While it may be, if we indulged, for the sake of argument, in the hypothesis of limited power upon which the second proposition rests, it would result that a consideration of the first proposition would be unnecessary because the act would be found to be repugnant to the Constitution, because embracing provisions beyond such assumed and restricted authority, we do not think we are at liberty to avoid deciding whether, in any possible aspect, the subject to which the act relates is within the power of Congress. We say this, for if it be that, from the nature of the subject, no power whatever over the same can, under any conceivable circumstances, be possessed by Congress, we ought to so declare, and not, by an attempt to conceive the inconceivable, assume the existence of some authority, thus, it may be, misleading Congress and giving rise to future contention.

1. The proposition that there is an absolute want of power in Congress to enact the statute is based on the assumption that, as the statute is solely addressed to the regulation of the relations of the employer to those whom he employs, and the relation of those employed by him among themselves, it deals with subjects which cannot, under any circumstances, come within the power conferred upon Congress to regulate commerce.

As it is patent that the act does regulate the relation of master and servant in the cases to which it applies, it must follow that the act is beyond the authority of Congress if the proposition just stated be well founded. But we may not test the power of Congress to regulate commerce, solely by abstractly considering the particular subject to which a regulation relates, irrespective of whether the regulation in question is one of interstate commerce. On the contrary, the test of power is not merely the matter regulated,

but whether the regulation is directly one of interstate commerce, or is embraced within the grant conferred on Congress to use all lawful means necessary and appropriate to the execution of the power to regulate commerce. We think the unsoundness of the contention that, because the act regulates the relation of master and servant, it is unconstitutional, because under no circumstances, and to no extent, can the regulation of such subject be within the grant of authority to regulate commerce, is demonstrable. We say this because we fail to perceive any just reason for holding that Congress is without power to regulate the relation of master and servant, to the extent that regulations adopted by Congress on that subject are solely confined to interstate commerce, and therefore are within the grant to regulate that commerce, or within the authority given to use all means appropriate to the exercise of the powers conferred. To illustrate: Take the case of an interstate railway train; that is, a train moving in interstate commerce, and the regulation of which therefore is, in the nature of things, a regulation of such commerce. It cannot be said that because a regulation adopted by Congress as to such train when so engaged in interstate commerce deals with the relation of the master to the servants operating such train or the relations of the servants engaged in such operation between themselves, that it is not a regulation of interstate commerce. This must be, since to admit the authority to regulate such train, and yet to say that all regulations which deal with the relation of master and servants engaged in its operation are invalid for want of power, would be but to concede the power and then to deny it; or, at all events, to recognize the power and yet to render it incomplete.

Because of the reasons just stated we might well pass from the consideration of the subject. We add, however, that we think the error of the proposition is shown by previous decisions of this court. Thus, the want of power in a state to interfere with an interstate commerce train, if thereby a direct burden is imposed upon interstate commerce, is settled beyond question. *Mississippi R. Commission v. Illinois C. R. Co.*, 203 U. S. 335, 343, 51 L. ed. 209, 214, 27 Sup. Ct. Rep. 90, and cases cited; *Atlantic Coast Line R. Co. v. Wharton*, 207 U. S. 328, ante, 121, 28 Sup. Ct. Rep. 121. And decisions cited in the margin[†] holding that state statutes which regulated the relation of master and servant were applicable to those actually engaged in an operation of interstate commerce, because the state power existed until Congress acted, by necessary implication refute the contention that a regulation of the subject, confined to interstate commerce, when adopted by Congress, would be necessarily void because the regulation of the relation of master and servant was, however, intimately connected with interstate commerce, beyond the power of Congress. And a like conclusion also persuasively results from previous rulings of this court concerning the act of Congress known as the Safety Appliance Act. *Johnson v. Southern P. Co.*, 196 U. S. 1, 49 L. ed. 363, 25 Sup. Ct. Rep. 158; *Schlemmer v. Buffalo, R. & P. R. Co.*, 205 U. S. 1, 51 L. ed. 681, 27 Sup. Ct. Rep. 407.

[†] *Sherlock v. Alling*, 93 U. S. 99, 23 L. ed. 819; *Missouri P. R. Co. v. Mackey*, 127 U. S. 205, 32 L. ed. 107, 8 Sup. Ct. Rep. 1161; *Minneapolis & St. L. R. Co. v. Herrick*, 127 U. S. 210, 32 L. ed. 109, 8 Sup. Ct. Rep. 1176; *Chicago, K. & W. R. Co. v. Pontius*, 157 U. S. 209, 39 L. ed. 675, 15 Sup. Ct. Rep. 585; *Tullis v. Lake Erie & W. R. Co.*, 175 U. S. 348, 44 L. ed. 192, 20 Sup. Ct. Rep. 136.

2. But it is argued, even though it be conceded that the power of Congress may be exercised as to the relation of master and servant in matters of interstate commerce, that power cannot be lawfully extended so as to include the regulation of the relation of master and servant, or of servants among themselves, as to things which are not interstate commerce. From this it is insisted the repugnancy of the act to the Constitution is clearly shown, as the face of the act makes it certain that the power which it asserts extends not only to the relation of master and servant and servants among themselves as to the things which are wholly interstate commerce, but embraces those relations as to matters and things domestic in their character, and which do not come within the authority of Congress. To test this proposition requires us to consider the text of the act.

From the 1st section it is certain that the act extends to every individual or corporation who may engage in interstate commerce as a common carrier. Its all-embracing words leave no room for any other conclusion. It may include, for example, steam railroads, telegraph lines, telephone lines, the express business, vessels of every kind, whether steam or sail, ferries, bridges, wagon lines, carriages, trolley lines, etc. Now, the rule which the statute establishes for the purpose of determining whether all the subjects to which it relates are to be controlled by its provisions is that anyone who conducts such business be a "common carrier, engaged in trade or commerce in the District of Columbia, or in any territory of the United States, or between the several states," etc. That is, the subjects stated all come within the statute when the individual or corporation is a common carrier who engages in trade or commerce between the states, etc. From this it follows that the statute deals with all the concerns of the individuals or corporations to which it relates if they engage as common carriers in trade or commerce between the states, etc., and does not confine itself to the interstate commerce business which may be done by such persons. Stated in another form, the statute is addressed to the individuals or corporations who are engaged in interstate commerce, and is not confined solely to regulating the interstate commerce business which such persons may do,—that is, it regulates the persons because they engage in interstate commerce, and does not alone regulate the business of interstate commerce.

And the conclusion thus stated, which flows from the text of the act concerning the individuals or corporations to which it is made to apply, is further demonstrated by a consideration of the text of the statute defining the servants to whom it relates.

Thus, the liability of a common carrier is declared to be in favor of "any of its employees." As the word "any" is unqualified, it follows that liability to the servant is coextensive with the business done by the employers whom the statute embraces; that is, it is in favor of any of the employees of all carriers who engage in interstate commerce. This also is the rule as to the one who otherwise would be a fellow servant, by whose negligence the injury or death may have been occasioned, since it is provided that the right to recover on the part of any servant will exist, although the injury for which the carrier is to be held resulted from "the negligence of any of its officers, agents, or employees."

The act, then, being addressed to all common carriers engaged in interstate commerce, and imposing a liability upon them in favor of any of their em-

ployees without qualification or restriction as to the business in which the carriers or their employees may be engaged at the time of the injury, of necessity includes subjects wholly outside of the power of Congress to regulate commerce. Without stopping to consider the numerous instances where, although a common carrier is engaged in interstate commerce, such carrier may, in the nature of things, also transact business not interstate commerce, although such local business may indirectly be related to interstate commerce, a few illustrations showing the operation of the statute as to matters wholly independent of interstate commerce will serve to make clear the extent of the power which is exerted by the statute. Take a railroad engaged in interstate commerce, having a purely local branch operated wholly within a state. Take again the same road having shops for repairs, and, it may be, for construction work, as well as a large accounting and clerical force, and having, it may be, storage elevators and warehouses, not to suggest, besides, the possibility of its being engaged in other independent enterprises. Take a telegraph company engaged in the transmission of interstate and local messages. Take an express company engaged in local as well as in interstate business. Take a trolley line moving wholly within a state as to a large part of its business, and yet, as to the remainder, crossing the state line.

As the act thus includes many subjects wholly beyond the power to regulate commerce, and depends for its sanction upon that authority, it results that the act is repugnant to the Constitution, and cannot be enforced unless there be merit in the propositions advanced to show that the statute may be saved.

On the one hand, while conceding that the act deals with all common carriers who are engaged in interstate commerce because they so engage, and indeed, while moreover conceding that the act was originally drawn for the purpose of reaching all the employees of railroads engaged in interstate commerce to which it is said the act in its original form alone related, it is yet insisted that the act is within the power of Congress, because one who engages in interstate commerce thereby comes under the power of Congress as to all his business, and may not complain of any regulation which Congress may choose to adopt. These contentions are thus summed up in the brief filed on behalf of the government:

"It is the *carrier*, and not its employees, that the act seeks to regulate, and the carrier is subject to such regulations because it is engaged in interstate commerce.

* * * * *

"By engaging in interstate commerce the carrier chooses to subject itself and its business to the control of Congress, and cannot be heard to complain of such regulations.

"* * * It is submitted that Congress can make a common carrier engaged in interstate commerce liable to *anyone* for its negligence who is affected by it; and if it can do that, necessarily it can make such carrier liable to all of its employees."

On the other hand, the same brief insists that these propositions are irrelevant, because the statute may be interpreted so as to confine its operation wholly to interstate commerce, or to means appropriate to the regulation of that subject, and hence relieves from the necessity of deciding whether, if the statute could not be so construed, it would be constitutional. In the oral

discussion at bar this latter view was earnestly insisted upon by the Attorney-General. Assuming, as we do, that the propositions are intended to be alternative, we disregard the order in which they are pressed in argument, and therefore pass for a moment the consideration of the proposition that the statute is constitutional though it includes all the subjects which we have found it to embrace, in order to weigh the contention that it is susceptible on its face of a different meaning from that which we have given it, or that such result can be accomplished by the application of the rules of interpretation which are relied upon.

So far as the face of the statute is concerned, the argument is this: That because the statute says carriers engaged in commerce between the states, etc., therefore the act should be interpreted as being exclusively applicable to the interstate commerce business, and none other, of such carriers, and that the words "any employee," as found in the statute, should be held to mean any employee when such employee is engaged only in interstate commerce. But this would require us to write into the statute words of limitation and restriction not found in it. But, if we could bring ourselves to modify the statute by writing in the words suggested, the result would be to restrict the operation of the act as to the District of Columbia and the territories. We say this because, immediately preceding the provision of the act concerning carriers engaged in commerce between the states and territories, is a clause making it applicable to "every common carrier engaged in trade or commerce in the District of Columbia or in any territory of the United States." It follows, therefore, that common carriers in such territories, even although not engaged in interstate commerce, are, by the act, made liable to "any" of their employees, as therein defined. The legislative power of Congress over the District of Columbia and the territories being plenary, and not depending upon the interstate commerce clause, it results that the provision as to the District of Columbia and the territories, if standing alone, could not be questioned. Thus it would come to pass, if we could bring ourselves to modify the statute by writing in the words suggested, that is, by causing the act to read, "any employee when engaged in interstate commerce," we would restrict the act as to the District of Columbia and the territories, and thus destroy it in an important particular. To write into the act the qualifying words, therefore, would be but adding to its provisions in order to save it in one aspect, and thereby to destroy it in another; that is, to destroy in order to save, and to save in order to destroy.

The principles of construction invoked are undoubted, but are inapplicable. Of course, if it can be lawfully done, our duty is to construe the statute so as to render it constitutional. But this does not imply, if the text of an act is unambiguous, that it may be rewritten to accomplish that purpose. Equally clear is it, generally speaking, that where a statute contains provisions which are constitutional and others which are not, effect may be given to the legal provisions by separating them from the illegal. But this applies only to a case where the provisions are separable, and not dependent one upon the other, and does not support the contention that that which is indivisible may be divided. Moreover, even in a case where legal provisions may be severed from those which are illegal, in order to save, the rule applies only where it is plain that Congress would have enacted the legislation with the unconstitutional provisions eliminated. All these principles are so clearly settled as

not to be open to controversy. They were all, after a full review of the authorities, restated and reapplied in a recent case. *Illinois C. R. Co. v. McKendree*, 203 U. S. 514, 51 L. ed. 298, 27 Sup. Ct. Rep. 153, and authorities there cited.

As the act before us, by its terms, relates to every common carrier engaged in interstate commerce, and to any of the employees of every such carrier, thereby regulating every relation of a carrier engaged in interstate commerce with its servants and of such servants among themselves, we are unable to say that the statute would have been enacted had its provisions been restricted to the limited relations of that character which it was within the power of Congress to regulate. On this subject the opinion in the *Trade-Mark Cases*, 100 U. S. 82, 25 L. ed. 550, where an act of Congress concerning trade-marks was held to be unconstitutional, because too broad in its scope, is pertinent and instructive. The court said (p. 99):

"If we should, in the case before us, undertake to make, by judicial construction, a law which Congress did not make, it is quite probable we should do what, if the matter were now before that body, it would be unwilling to do, namely, make a trade-mark law which is only partial in its operation, and which would complicate the rights which parties would hold, in some instances under the act of Congress, and in others under state law. *Cooley, Const. Lim.*, 178, 179; *Com. v. Hitchings*, 5 Gray, 482."

3. It remains only to consider the contention which we have previously quoted, that the act is constitutional although it embraces subjects not within the power of Congress to regulate commerce, because one who engages in interstate commerce thereby submits all his business concerns to the regulating power of Congress. To state the proposition is to refute it. It assumes that, because one engages in interstate commerce, he thereby endows Congress with power not delegated to it by the Constitution; in other words, with the right to legislate concerning matters of purely state concern. It rests upon the conception that the Constitution destroyed that freedom of commerce which it was its purpose to preserve, since it treats the right to engage in interstate commerce as a privilege which cannot be availed of except upon such conditions as Congress may prescribe, even although the conditions would be otherwise beyond the power of Congress. It is apparent that if the contention were well founded it would extend the power of Congress to every conceivable subject, however inherently local, would obliterate all the limitations of power imposed by the Constitution, and would destroy the authority of the states as to all conceivable matters which, from the beginning, have been, and must continue to be, under their control so long as the Constitution endures.

4. Reference was made to the report of a committee submitted to the House of Representatives on the coming in of the bill which finally became the act in question. We content ourselves on this subject with saying that that report, we think, instead of adding force to the argument that the plain terms of the act should be disregarded, tends to the contrary. And the same observation is appropriate to the reference made to the text of the *Safety Appliance Act of March 2, 1893* (27 Stat. at L. 531, chap. 196, U. S. Comp. Stat. 1901, p. 3174), which, it is insisted, furnishes a guide which, if followed, would enable us to disregard the text of the act. We say this because the face of that act clearly refutes the argument based upon it. It is true that the act,

like the one we are considering, is addressed to every common carrier engaged in interstate commerce, but this direction is followed by provisions expressly limiting the scope and effect of the act to interstate commerce, which are wholly superfluous if the argument here made concerning the statute before us be sound.

We deem it unnecessary to pass upon the merits of the contentions concerning the alleged repugnancy of the statute, if regarded as otherwise valid, to the due process clause of the 5th Amendment to the Constitution, because the act classifies together all common carriers. Although we deem it unnecessary to consider that subject, it must not be implied that we question the correctness of previous decisions noted in the margin,[†] wherein state statutes were held not to be repugnant to the 14th Amendment, although they classified steam railroads in one class for the purpose of applying a rule of master and servant. We further deem it unnecessary to express an opinion concerning the alleged repugnancy of the statute to the 7th Amendment, because of the provision of the act as to the power of the jury. In saying this, however, we must not be considered as intimating that we think the provision in question is susceptible of the construction placed on it in argument, or that, if it could be so construed, it would be constitutional.

Concluding, as we do, that the statute, whilst it embraces subjects within the authority of Congress to regulate commerce, also includes subjects not within its constitutional power, and that the two are so interblended in the statute that they are incapable of separation, we are of the opinion that the courts below rightly held the statute to be repugnant to the Constitution and nonenforceable; and the judgments below are, therefore, affirmed.

Mr. Justice DAY concurs in this opinion.

Mr. Justice PECKHAM, concurring:

I concur in the result of the foregoing opinion, but I am not prepared to agree with all that is stated as to the power of Congress to legislate upon the subject of the relations between master and servant.

I concur in the proposition that, as to traffic or other matters within the state, the act is unconstitutional, and it cannot be separated from that part which is claimed to be valid as relating to interstate commerce. As that is all that it is necessary to decide in this case, I place my concurrence upon that part of the opinion which decides it.

I am authorized to state that the Chief Justice and Mr. Justice BREWER agree in this view. (*Howard v. Illinois C. R. Co.*, 28 Sup. Ct. Rep. 141.)

III. *The Hatters' Boycott Case.*—Under this decision a boycott by a trade union against a firm whose products are sold in any State other than that in which they manufactured, so far as it affects the sale of such goods in such other States constitutes a combination "in restraint of trade or commerce among the several States" which the Sherman anti-trust act of 1890 makes

[†] *Missouri P. R. Co. v. Mackey*, 127 U. S. 205, 32 L. ed. 107, 8 Sup. Ct. Rep. 1161; *Minneapolis & St. L. R. Co. v. Herrick*, 127 U. S. 210, 32 L. ed. 109, 8 Sup. Ct. Rep. 1176; *Chicago, K. & W. R. Co. v. Pontius*, 157 U. S. 209, 39 L. ed. 675, 15 Sup. Ct. Rep. 585.

a misdemeanor punishable by fine not exceeding \$5,000 or by imprisonment for not over one year, or both, and the members of the union are liable for the three-fold damages which the anti-trust law makes recoverable by anyone injured by such a combination. In a word, a boycott which affects inter-state trade is illegal under the anti-trust law. In one respect this decision for the first time makes the legal status of trade union boycotting, as ordinarily conducted, perfectly clear, since it leaves no room for doubt where such boycotting affects inter-state trade. But it does not throw any light upon the legal status of boycotting *per se*. The question whether a boycott which affects only trade within a State, is legal or not remains just where it was before, which means, as a matter of fact, that both as to court decisions and statute laws it is surrounded by considerable obscurity. Generally in the past, however, the tendency has been to hold the so-called "compound" boycott, that is, those in which, as is usually the case, efforts are made to induce third parties to cease dealings with the proscribed firm, illegal as involving malicious intent to injure the firm's business. At the same time, some recent decisions have shown evidence of a lessened tendency to regard a boycott as necessarily involving malicious intent simply because a firm's business may suffer from it.

The decision in the *Hatters' case*, which was rendered February 3d, was unanimous. Following is the opinion of the court which was delivered by Chief Justice Fuller:

This was an action brought in the circuit court for the district of Connecticut under section 7 of the anti-trust act of July 2, 1890 (26 Stat. at L. 210, chap. 647, U. S. Comp. Stat. 1901, p. 3202), claiming threefold damages for injuries inflicted on plaintiffs by combination or conspiracy declared to be unlawful by the act.

Defendants filed a demurrer to the complaint assigning general and special grounds. The demurrer was sustained as to the first six paragraphs, which rested on the ground that the combination stated was not within the Sherman act, and this rendered it unnecessary to pass upon any other questions in the case; and, upon plaintiffs declining to amend their complaint, the court dismissed it with costs. 148 Fed. 924; and see 142 Fed. 216, 130 Fed. 633.

The case was then carried by writ of error to the Circuit Court of Appeals for the second circuit, and that court, desiring the instruction of this court upon a question arising on the writ of error, certified that question to this court. The certificate consisted of a brief statement of facts, and put the question thus: "Upon this state of facts can plaintiffs maintain an action against defendants under section 7 of the anti-trust act of July 2, 1890?"

After the case on certificate had been docketed here, plaintiffs in error applied, and defendants in error joined in the application, to this court to require the whole record and cause to be sent up for its consideration. The application was granted, and the whole record and cause being thus brought before this court, it devolved upon the court, under section 6 of the judiciary act of 1891, to "decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal." (26 Stat. at L. 828, chap. 517, U. S. Comp. Stat. 1901, p. 550.)

The case comes up, then, on complaint and demurrer, and we give the complaint in the margin.†

The question is whether, upon the facts therein averred and admitted by the demurrer, this action can be maintained under the anti-trust act.

The 1st, 2d, and 7th sections of that act are as follows:

"1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several states or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five thousand dollars or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee."

In our opinion, the combination described in the declaration is a combination "in restraint of trade or commerce among the several states," in the sense in which those words are used in the act, and the action can be maintained accordingly.

And that conclusion rests on many judgments of this court, to the effect that the act prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the states, or restricts, in that regard, the liberty of a trader to engage in business.

The combination charged falls within the class of restraints of trade aimed at compelling third parties and strangers involuntarily not to engage in the course of trade except on conditions that the combination imposes; and there is no doubt that (to quote from the well-known work of Chief Justice *ESLIE* on Trade Unions) "at common law every person has individually, and the public also has collectively, a right to require that the course of trade should be kept free from unreasonable obstruction." But the objection here is to the jurisdiction, because, even conceding that the declaration states a case good at

† Here omitted as its principal averments are repeated in the course of the opinion.

common law, it is contended that it does not state one within the statute. Thus, it is said that the restraint alleged would operate to entirely destroy plaintiffs' business and thereby include intrastate trade as well; that physical obstruction is not alleged as contemplated; and that defendants are not themselves engaged in interstate trade.

We think none of these objections are tenable, and that they are disposed of by previous decisions of this court.

United States v. Trans-Missouri Freight Asso., 166 U. S. 290, 41 L. ed. 1007, 17 Sup. Ct. Rep. 540; *United States v. Joint Traffic Asso.*, 171 U. S. 505, 43 L. ed. 259, 19 Sup. Ct. Rep. 26; and *Northern Securities Co. v. United States*, 193 U. S. 197, 48 L. ed. 679, 24 Sup. Ct. Rep. 436, hold, in effect, that the anti-trust law has a broader application than the prohibition of restraints of trade unlawful at common law. Thus, in the *Trans-Missouri Case* it was said that, "assuming that agreements of this nature are not void at common law, and that the various cases cited by the learned courts below show it, the answer to the statement of their validity now is to be found in the terms of the statute under consideration;" and, in the *Northern Securities Case*, that the act declares "illegal every contract, combination, or conspiracy, in whatever form, of whatever nature, and whoever may be parties to it, which directly or necessarily operates in restraint of trade or commerce among the several states."

We do not pause to comment on cases such as *United States v. E. C. Knight Co.*, 156 U. S. 1, 39 L. ed. 325, 15 Sup. Ct. Rep. 249; *Hopkins v. United States*, 171 U. S. 578, 43 L. ed. 290, 19 Sup. Ct. Rep. 40; and *Anderson v. United States*, 171 U. S. 604, 43 L. ed. 300, 19 Sup. Ct. Rep. 50, in which the undisputed facts showed that the purpose of the agreement was not to obstruct or restrain interstate commerce. The object and intention of the combination determined its legality.

In *Swift & Co. v. United States*, 196 U. S. 395, 49 L. ed. 523, 25 Sup. Ct. Rep. 276, a bill was brought against a number of corporations, firms, and individuals of different States, alleging that they were engaged in interstate commerce in the purchase, sale, transportation, and delivery, and subsequent resale at the point of delivery, of meats; and that they combined to refrain from bidding against each other in the purchase of cattle; to maintain a uniform price at which the meat should be sold; and to maintain uniform charges in delivering meats thus sold through the channels of interstate trade to the various dealers and consumers in other States. And that thus they artificially restrained commerce in fresh meats from the purchase and shipment of live stock from the plains to the final distribution of the meats to the consumers in the markets of the country.

Mr. Justice Holmes, speaking for the court, said:

"Commerce among the states is not a technical legal conception, but a practical one, drawn from the course of business. When cattle are sent for sale from a place in one state, with the expectation that they will end their transit after purchase in another, and when, in effect they do so, with only the interruption necessary to find a purchaser at the stock yards, and when this is a typical, constantly recurring course, the current thus existing is a current of commerce among the states, and the purchase of the cattle is a part and incident of such commerce."

"The general objection is urged that the bill does not set forth sufficient definite or specific facts. This objection is serious, but it seems to us inherent

in the nature of the case. The scheme alleged is so vast that it presents a new problem in pleading. If, as we must assume, the scheme is entertained, it is, of course, contrary to the very words of the statute. Its size makes the violation of the law more conspicuous, and yet the same thing makes it impossible to fasten the principal fact to a certain time and place. The elements, too, are so numerous and shifting, even the constituent parts alleged are, and from their nature must be, so extensive in time and space, that something of the same impossibility applies to them.

* * * * *

"The scheme as a whole seems to us to be within reach of the law. The constituent elements, as we have stated them, are enough to give to the scheme a body, and, for all that we can say, to accomplish it. Moreover, whatever we may think of them separately, when we take them up as distinct charges, they are alleged sufficiently as elements of a scheme. It is suggested that the several acts charged are lawful and that intent can make no difference. But they are bound together as the parts of a single plan. The plan may make the parts unlawful."

And the same principle was expressed in *Aikens v. Wisconsin*, 195 U. S. 194, 49 L. ed. 154, 25 Sup. Ct. Rep. 3, involving a statute of Wisconsin prohibiting combinations "for the purpose of wilfully or maliciously injuring another in his reputation, trade, business, or profession, by any means whatever," etc., in which Mr. Justice Holmes said:

"The statute is directed against a series of acts, and acts of several, the acts of combining, with intent to do other acts. 'The very plot is an act in itself.' *Mulcahy v. Queen*, L. R. 3 H. L. 306, 317. But an act, which, in itself, is merely a voluntary muscular contraction, derives all its character from the consequences which will follow it under the circumstances in which it was done. When the acts consist of making a combination calculated to cause temporal damage, the power to punish such acts, when done maliciously, cannot be denied because they are to be followed and worked out by conduct which might have been lawful if not preceded by the acts. No conduct has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot, neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law."

In *Addyston Pipe & Steel Co. v. United States*, 175 U. S. 211, 44 L. ed. 136, 20 Sup. Ct. Rep. 96, the petition alleged that the defendants were practically the only manufacturers of cast iron within thirty-six states and territories, that they had entered into a combination by which they agreed not to compete with each other in the sale of pipe, and the territory through which the constituent companies could make sales was allotted between them. This court held that the agreement, which, prior to any act of transportation, limited the prices at which the pipe could be sold after transportation, was within the law. Mr. Justice Peckham, delivering the opinion, said: "And when Congress has enacted a statute such as the one in question, any agreement or combination which directly operates not alone upon the manufacture, but upon the sale, transportation, and delivery of an article of interstate commerce, by preventing or restricting its sale, etc., thereby regulates interstate commerce."

In *W. W. Montague & Co. v. Lowry*, 193 U. S. 38, 48 L. ed. 608, 24 Sup. Ct. Rep. 307, which was an action brought by a private citizen under section 7 against a combination engaged in the manufacture of tiles, defendants were wholesale dealers in tiles in California, and combined with manufacturers in other states to restrain the interstate traffic in tiles by refusing to sell any tiles to any wholesale dealer in California who was not a member of the association, except at a prohibitive rate. The case was a commercial boycott against such dealers in California as would not or could not obtain membership in the association. The restraint did not consist in a physical obstruction of interstate commerce, but in the fact that the plaintiff and other independent dealers could not purchase their tiles from manufacturers in other states because such manufacturers had combined to boycott them. This court held that this obstruction to the purchase of tiles, a fact antecedent to physical transportation, was within the prohibition of the act. Mr. Justice Peckham, speaking for the court, said, concerning the agreement, that it "restrained trade, for it narrowed the market for the sale of tiles in California from the manufacturers and dealers therein in other states, so that they could only be sold to the members of the association, and it enhanced prices to the non-member."

The averments here are that there was an existing interstate traffic between plaintiffs and citizens of other states, and that, for the direct purpose of destroying such interstate traffic, defendants combined not merely to prevent plaintiffs from manufacturing articles then and there intended for transportation beyond the state, but also to prevent the vendees from reselling the hats which they had imported from Connecticut, or from further negotiating with plaintiffs for the purchase and intertransportation of such hats from Connecticut to the various places of destination. So that, although some of the means whereby the interstate traffic was to be destroyed were acts within a state, and some of them were, in themselves, as a part of their obvious purpose and effect, beyond the scope of Federal authority, still, as we have seen, the acts must be considered as a whole, and the plan is open to condemnation, notwithstanding a negligible amount of intrastate business might be affected in carrying it out. If the purposes of the combination were, as alleged, to prevent any interstate transportation at all, the fact that the means operated at one end before physical transportation commenced, and, at the other end, after the physical transportation ended, was immaterial.

Nor can the act in question be held inapplicable because defendants were not themselves engaged in interstate commerce. The act made no distinction between classes. It provided that "every" contract, combination, or conspiracy in restraint of trade was illegal. The records of Congress show that several efforts were made to exempt, by legislation, organizations of farmers and laborers from the operation of the act, and that all these efforts failed, so that the act remained as we have it before us.

In an early case (*United States v. Workingmen's Amalgamated Council*, 20 L. R. A. 158, 4 Inters. Com. Rep. 831, 54 Fed. 994) the United States filed a bill under the Sherman act in the circuit court for the eastern district of Louisiana, averring the existence of "a gigantic and widespread combination of the members of a multitude of separate organizations for the purpose of restraining the commerce among the several states and with foreign countries," and it was contended that the statute did not refer to combinations of laborers. But the court, granting the injunction, said:

"I think the congressional debates show that the statute had its origin in the evils of massed capital; but, when the Congress came to formulating the prohibition, which is the yardstick for measuring the complainant's right to the injunction, it expressed it in these words: 'Every contract or combination in the form of trust, or otherwise in restraint of trade or commerce among the several states or with foreign nations, is hereby declared to be illegal.' The subject had so broadened in the minds of the legislators that the source of the evil was not regarded as material, and the evil in its entirety is dealt with. They made the interdiction include combination of labor as well as of capital; in fact, all combinations in restraint of commerce, without reference to the character of the persons who entered into them. It is true this statute has not been much expounded by judges, but, as it seems to me, its meaning, as far as relates to the sort of combinations to which it is to apply, is manifest, and that it includes combinations which are composed of laborers acting in the interest of laborers.

* * * * *

"It is the successful effort of the combination of the defendants to intimidate and overawe others who were at work in conducting or carrying on the commerce of the country, in which the court finds their error and their violation of the statute. One of the intended results of their combined action was the forced stagnation of all the commerce which flowed through New Orleans. This intent and combined action are none the less unlawful because they included in their scope the paralysis of all other business within the city as well."

The case was affirmed on appeal by the circuit court of appeals for the fifth circuit. 6 C. C. A. 258, 13 U. S. App. 426, 57 Fed. 85.

Subsequently came the litigation over the Pullman strike and the decisions *Re Debs*, 5 Inters. Com. Rep. 163, 64 Fed. 724, 745, 755, 158 U. S. 564, 39 L. ed. 1092, 15 Sup. Ct. Rep. 900. The bill in that case was filed by the United States against the officers of the American Railway Union, which alleged that a labor dispute existed between the Pullman Palace Car Company and its employees; that thereafter the four officers of the railway union combined together and with others to compel an adjustment of such dispute by creating a boycott against the cars of the car company; that, to make such boycott effective, they had already prevented certain of the railroads running out of Chicago from operating their trains; that they asserted that they could and would tie up, paralyze, and break down any and every railroad which did not accede to their demands, and that the purpose and intention of the combination was "to secure unto themselves the entire control of the interstate, industrial, and commercial business in which the population of the city of Chicago and of the other communities along the lines of road of said railways are engaged with each other, and to restrain any and all other persons from any independent control or management of such interstate, industrial, or commercial enterprises, save according to the will and with the consent of the defendants."

The Circuit Court proceeded principally upon the Sherman anti-trust law, and granted an injunction. In this court the case was rested upon the broader ground that the Federal government had full power over interstate commerce and over the transmission of the mails, and, in the exercise of those powers, could remove everything put upon highways, natural or artificial, to obstruct

the passage of interstate commerce, or the carrying of the mails. But, in reference to the anti-trust act, the court expressly stated:

"We enter into no examination of the act of July 2, 1890, chap. 647, 26 Stat. at L. 209, U. S. Comp. Stat. 1901, p. 3200, upon which the circuit court relied mainly to sustain its jurisdiction. It must not be understood from this that we dissent from the conclusions of that court in reference to the scope of the act, but simply that we prefer to rest our judgment on the broader ground which has been discussed in this opinion, believing it of importance that the principles underlying it should be fully stated and affirmed."

And, in the opinion, Mr. Justice BREWER, among other things, said:

"It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of state legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a state to legislate in such a manner as to obstruct interstate commerce. If a state, with its recognized powers of sovereignty, is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that state has a power which the state itself does not possess?"

The question answers itself; and, in the light of the authorities, the only inquiry is as to the sufficiency of the averments of fact. We have given the declaration in full in the margin, and it appears therefrom that it is charged that defendants formed a combination to directly restrain plaintiffs' trade; that the trade to be restrained was interstate; that certain means to attain such restraint were contrived to be used and employed to that end; that those means were so used and employed by defendants, and that thereby they injured plaintiffs' property and business.

At the risk of tediousness, we repeat that the complaint averred that plaintiffs were manufacturers of hats in Danbury, Connecticut, having a factory there, and were then and there engaged in an interstate trade in some twenty states other than the state of Connecticut; that they were practically dependent upon such interstate trade to consume the product of their factory, only a small percentage of their entire output being consumed in the state of Connecticut; that, at the time the alleged combination was formed, they were in the process of manufacturing a large number of hats for the purpose of fulfilling engagements then actually made with consignees and wholesale dealers in states other than Connecticut, and that, if prevented from carrying on the work of manufacturing these hats, they would be unable to complete their engagements.

That defendants were members of a vast combination called The United Hatters of North America, comprising about 9,000 members, and including a large number of subordinate unions, and that they were combined with some 1,400,000 others into another association known as The American Federation of Labor, of which they were members, whose members resided in all the places in the several states where the wholesale dealers in hats and their customers resided and did business; that defendants were "engaged in a combined scheme and effort to force all manufacturers of fur hats in the United States, including the plaintiffs, against their will and their previous policy of carrying on their business, to organize their workmen in the departments of making and finishing, in each of their factories, into an organi-

zation, to be part and parcel of the said combination known as the United Hatters of North America, or, as the defendants and their confederates term it, to unionize their shops, with the intent thereby to control the employment of labor in and the operation of said factories, and subject the same to the direction and control of persons other than the owners of the same, in a manner extremely onerous and distasteful to such owners, and to carry out such scheme, effort, and purpose by restraining and destroying the interstate trade and commerce of such manufacturers, by means of intimidation of and threats made to such manufacturers and their customers in the several states, of boycotting them, their product, and their customers, using therefor all the powerful means at their command as aforesaid, until such time as, from the damage and loss of business resulting therefrom, the said manufacturers should yield to the said demand to unionize their factories."

That the conspiracy or combination was so far progressed that out of eighty-two manufacturers of this country engaged in the production of fur hats, seventy had accepted the terms and acceded to the demand that the shop should be conducted in accordance, so far as conditions of employment were concerned, with the will of the American Federation of Labor; that the local union demanded of plaintiffs that they should unionize their shop under peril of being boycotted by this combination, which demand plaintiffs declined to comply with; that thereupon the American Federation of Labor, acting through its official organ and through its organizers, declared a boycott.

The complaint then thus continued:

"20. On or about July 25, 1902, the defendants individually and collectively, and as members of said combinations and associations, and with other persons whose names are unknown to the plaintiffs, associated with them, in pursuance of the general scheme and purpose aforesaid, to force all manufacturers of fur hats, and particularly the plaintiffs, to so unionize their factories, wontonly, wrongfully, maliciously, unlawfully, and in violation of the provisions of the 'act of Congress approved July 2, 1890' (26 Stat. at L. 209, chap. 647, U. S. Comp. Stat. 1901, p. 3200), and entitled 'An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies,' and with intent to injure the property and business of the plaintiffs by means of acts done which are forbidden and declared to be unlawful by said act of Congress, entered into a combination and conspiracy to restrain the plaintiffs and their customers in states other than Connecticut, in carrying on said trade and commerce among the several states, and to wholly prevent them from engaging in and carrying on said trade and commerce between them and to prevent the plaintiffs from selling their hats to wholesale dealers and purchasers in said states other than Connecticut, and to prevent said dealers and customers in said other states from buying the same, and to prevent the plaintiffs from obtaining orders for their hats from such customers, and filling the same, and shipping said hats to said customers in said states, as aforesaid, and thereby injure the plaintiffs in their property and business, and to render unsalable the product and output of their said factory, so the subject of interstate commerce, in whosoever's hands the same might be or come, through said interstate trade and commerce, and to employ as means to carry out said combination and conspiracy and the purposes thereof, and accomplish the same, the following measures and acts, *viz.*:

"To cause, by means of threats and coercion, and without warning or information to the plaintiffs, the concerted and simultaneous withdrawal of all the makers and finishers of hats then working for them, who were not members of their said combination, the United Hatters of North America, as well as those who were such members, and thereby cripple the operation of the plaintiffs' factory, and prevent the plaintiffs from filling a large number of orders then on hand, from such wholesale dealers in states other than Connecticut, which they had engaged to fill and were then in the act of filling, as was well known to the defendants; in connection therewith to declare a boycott against all hats made for sale and sold and delivered, or to be so sold or delivered, by the plaintiffs to said wholesale dealers in states other than Connecticut, and to actively boycott the same and the business of those who should deal in them, and thereby prevent the sale of the same by those in whose hands they might be or come through said interstate trade in said several states; to procure and cause other of said combinations united with them in said American Federation of Labor in like manner to declare a boycott against, and to actively boycott, the same and the business of such wholesale dealers as should buy or sell them, and of those who should purchase them from such wholesale dealers; to intimidate such wholesale dealers from purchasing or dealing in the hats of the plaintiffs by informing them that the American Federation of Labor had declared a boycott against the product of the plaintiffs and against any dealer who should handle it, and that the same was to be actively pressed against them, and by distributing circulars containing notices that such dealers and their customers were to be boycotted; to threaten with a boycott those customers who should buy any goods whatever, even though union-made, of such boycotted dealers, and at the same time to notify such wholesale dealers that they were at liberty to deal in the hats of any other nonunion manufacturer of similar quality to those made by the plaintiffs, but must not deal in the hats made by the plaintiffs under threats of such boycotting; to falsely represent to said wholesale dealers and their customers, that the plaintiffs had discriminated against the union men in their employ, had thrown them out of employment because they refused to give up their union cards and teach boys, who were intended to take their places after seven months' instruction, and had driven their employees to extreme measures 'by their persistent, unfair, and un-American policy of antagonizing union labor, forcing wages to a starvation scale, and given boys and cheap, unskilled foreign labor preference over experienced and capable union workmen,' in order to intimidate said dealers from purchasing said hats by reason of the prejudice thereby created against the plaintiffs and the hats made by them among those who might otherwise purchase them; to use the said union label of said the United Hatters of North America as an instrument to aid them in carrying out said conspiracy and combination against the plaintiffs' and their customers' interstate trade aforesaid, and, in connection with the boycotting above mentioned, for the purpose of describing and identifying the hats of the plaintiffs and singling them out to be so boycotted; to employ a large number of agents to visit said wholesale dealers and their customers, at their several places of business, and threaten them with loss of business if they should buy or handle the hats of the plaintiffs, and thereby prevent them from buying said hats, and, in connection therewith, to cause said dealers to be waited upon by committees representing large

combinations of persons in their several localities to make similar threats to them; to use the daily press in the localities where such wholesale dealers reside and do business, to announce and advertise the said boycott against the hats of the plaintiffs and said wholesale dealers, and thereby make the same more effective and oppressive, and to use the columns of their said paper, the *Journal of the United Hatters of North America*, for that purpose, and to describe the acts of their said agents in prosecuting the same."

And then followed the averments that the defendants proceeded to carry out their combination to restrain and destroy interstate trade and commerce between plaintiffs and their customers in other states by employing the identical means contrived for that purpose; and that, by reason of those acts, plaintiffs were damaged in their business and property in some \$80,000.

We think a case within the statute was set up and that the demurrer should have been overruled.

Judgment reversed and cause remanded with a direction to proceed accordingly. (*Loewe v. Lawlor*, 28 Sup. Ct. Rep. 301.)

IV. *The Anti-discrimination Clause of the Erdman Law of 1898.*—The decision in this case holds that a provision of law making it a criminal offense for an employer to discharge an employee because of membership in a labor organization is unconstitutional because it interferes unjustifiably with the liberty of contract guaranteed by the Constitution. So far as New York State is concerned, this decision is of little practical import for the simple reason that the Court of Appeals had already declared unconstitutional on similar grounds a State law of the same tenor. This was the act of 1887 (chapter 688), making it a misdemeanor for an employer to require of an employee as a condition of receiving or continuing employment that he agree not to join a labor organization. In the case of *People v. Marcus*, 185 N. Y. 257,* the Court of Appeals on May 25, 1906, held this law to be "the substantial equivalent of an enactment that a person shall not make the employment or the continuance of employment of a person conditional upon the employee not joining or becoming a member of a labor organization," and to be unconstitutional as an unwarranted interference with liberty of contract. Further, it may be noted, that in actual practice the State law has been ignored for years, the protection of unionists from discrimination having been dependent upon the strength of their organizations.

* See Bulletin, Vol. VIII, p. 213.

The decision on the Erdman law was rendered January 27th. It was not unanimous, Justices McKenna and Holmes dissenting while Justice Moody did not participate in the decision. Mr. Justice Harlan rendered the following opinion of the court, to which is here appended the interesting dissenting opinion of Justice Holmes. Justice McKenna's dissent was based on the ground that public policy might warrant restriction of liberty of contract to the limited extent involved in the law in the interest of industrial peace in interstate commerce which was the main purpose of the Erdman law.

This case involves the constitutionality of certain provisions of the act of Congress of June 1, 1898 (30 Stat. at L. 424, chap. 370, U. S. Comp. Stat. 1901, p. 3205), concerning carriers engaged in interstate commerce and their employees.

By the 1st section of the act it is provided: "That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 4612, Revised Statutes of the United States (U. S. Comp. Stat. 1901, p. 3120), engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment from one state or territory of the United States, or the District of Columbia, to any other state or territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term 'railroad,' as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term 'transportation' shall include all instrumentalities of shipment or carriage. The term 'employees,' as used in this act, shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: Provided, however, That this act shall not be held to apply to employees of street railroads, and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto, and shall not affect the obligations of said carrier either to the public or to the private parties concerned."

The 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th sections relate to the settlement, by means of arbitration, of controversies concerning wages, hours of labor, or conditions of employment, arising between a carrier subject to the provisions of the act and its employees, which seriously interrupt, or threaten to interrupt, the business of the carrier. Those sections prescribe the mode in which

controversies may be brought under the cognizance of arbitrators, in what way the arbitrators may be designated, and the effect of their decisions. The first subdivision of § 3 contains a proviso "that no employee shall be compelled to render personal service without his consent."

The 11th section relates to the compensation and expenses of the arbitrators.

By the 12th section the act of Congress of October 1, 1888 (25 Stat. at L. 501, chap. 1063), creating boards of arbitrators or commissioners for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of persons or property and their employees, was repealed.

The 10th section, upon which the present prosecution is based, is in these words:

"That any employers subject to the provisions of this act, and any officer, agent, or receiver of such employer, who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than one hundred dollars and not more than one thousand dollars."

It may be observed in passing that while that section makes it a crime against the United States to unjustly discriminate against an employee of an interstate carrier because of his being a member of a labor organization, it does not make it a crime to unjustly discriminate against an employee of the carrier because of his not being a member of such an organization.

The present indictment was in the district court of the United States for the Eastern district of Kentucky against the defendant, Adair.

The first count alleged "that at and before the time hereinafter named the Louisville & Nashville Railroad Company is and was a railroad corporation, duly organized and existing by law, and a common carrier engaged in the transportation of passengers and property wholly by steam railroad for a continuous carriage and shipment from one state of the United States to another state of the United States of America; that is to say, from the state of Kentucky into the states of Ohio, Indiana, and Tennessee, and from the state of Ohio into the state of Kentucky, and was, at all times aforesaid, and at the time of the commission of the offense hereinafter named, a common carrier of interstate commerce, and an employer, subject

to the provisions of a certain act of Congress of the United States of America, entitled, 'An Act Concerning Carriers Engaged in Interstate Commerce and Their Employees,' approved June 1, 1898, and said corporation was not at any time a street railroad corporation. That before and at the time of the commission of the offense hereinafter named one William Adair was an agent and employee of said common carrier and employer, and was, at all said times, master mechanic of said common carrier and employer in the district aforesaid, and before and at the time hereinafter stated one O. B. Coppage was an employee of said common carrier and employer in the district aforesaid, and as such employee was, at all times hereinafter named, actually engaged in the capacity of locomotive fireman in train operation and train service for said common carrier and employer in the transportation of passengers and property aforesaid, and was an employee of said common carrier and employer actually engaged in said railroad transportation and train service aforesaid, to whom the provisions of said act applied, and at the time of the commission of the offense hereinafter named said O. B. Coppage was a member of a certain labor organization, known as the Order of Locomotive Firemen, as he, the said William Adair, then and there well knew; a more particular description of said organization and the members thereof is to the grand jurors unknown."

The specific charge in that count was "that said William Adair, agent and employee of said common carrier and employer, as aforesaid, in the district aforesaid, on and before the 15th day of October, 1906, did unlawfully and unjustly discriminate against said O. B. Coppage, employee, as aforesaid, by then and there discharging said O. B. Coppage from such employment of said common carrier and employer, *because of his membership in said labor organization, and thereby did unjustly discriminate against an employee of a common carrier and employer engaged in interstate commerce because of his membership in a labor organization*, contrary to the forms of the statute in such cases made and provided, and against the peace and dignity of the United States."

The second count repeated the general allegations of the first count as to the character of the business of the Louisville & Nashville Railroad Company and the relations between that corporation and Adair and Coppage. It charged "that said William Adair, in the district aforesaid, and within the jurisdiction of this court, agent and employee of said common carrier and employer aforesaid, on and before the 15th day of October, 1906, did unlawfully threaten said O. B. Coppage, employee as aforesaid, *with loss of employment, because of his membership in said labor organization*, contrary to the forms of the statute in such cases made and provided, and against the peace and dignity of the United States."

The accused, Adair, demurred to the indictment as insufficient in law, but the demurrer was overruled. After reviewing the authorities, in an elaborate opinion, the court held the 10th section of the act of Congress to be constitutional. 152 Fed. 737. The defendant pleaded not guilty, and after trial a verdict was returned of guilty on the first count and a judgment rendered that he pay to the United States a fine of \$100. We shall, therefore, say nothing as to the second count of the indictment.

It thus appears that the criminal offense charged in the count of the indictment upon which the defendant was convicted was, in substance and effect,

that, being an agent of a railroad company engaged in interstate commerce, and subject to the provisions of the above act of June 1, 1898, he discharged one Coppage from its service *because of his membership in a labor organization*,—no other ground for such discharge being alleged.

May Congress make it a criminal offense against the United States—as, by the 10th section of the act of 1898, it does—for an agent or officer of an interstate carrier, having full authority in the premises from the carrier, to discharge an employee from service simply because of his membership in a labor organization?

This question is admittedly one of importance, and has been examined with care and deliberation. And the court has reached a conclusion which, in its judgment, is consistent with both the words and spirit of the Constitution, and is sustained as well by sound reason.

The first inquiry is whether the part of the 10th section of the act of 1898 upon which the first count of the indictment was based is repugnant to the 5th Amendment of the Constitution, declaring that no person shall be deprived of liberty or property without due process of law. In our opinion that section, in the particular mentioned, is an invasion of the personal liberty, as well as of the right of property, guaranteed by that amendment. Such liberty and right embraced the right to make contracts for the purchase of the labor of others, and equally the right to make contracts for the sale of one's own labor; each right, however, being subject to the fundamental condition that no contract, whatever its subject-matter, can be sustained which the law, upon reasonable grounds, forbids as inconsistent with the public interests, or as hurtful to the public order, or as detrimental to the common good. This court has said that "in every well-ordered society, charged with the duty of conserving the safety of its members, the rights of the individual in respect of his liberty may, at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand." *Jacobson v. Massachusetts*, 197 U. S. 11, 29, 49 L. ed. 643, 651, 25 Sup. Ct. Rep. 358, 362, and authorities there cited. Without stopping to consider what would have been the rights of the railroad company under the 5th Amendment, had it been indicted under the act of Congress, it is sufficient in this case to say that, as agent of the railroad company, and, as such responsible for the conduct of the business of one of its departments, it was the defendant Adair's right—and that right inhered in his personal liberty, and was also a right of property—to serve his employer as best he could, so long as he did nothing that was reasonably forbidden by law as injurious to the public interests. It was the right of the defendant to prescribe the terms upon which the services of Coppage would be accepted, and it was the right of Coppage to become or not, as he chose, an employee of the railroad company upon the terms offered to him. Mr. Cooley, in his treatise on Torts, p. 278, well says: "It is a part of every man's civil rights that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice, or malice. With his reasons neither the public nor third persons have any legal concern. It is also his right to have business relations with anyone with whom he can make contracts, and, if he is wrongfully deprived of this right by others, he is entitled to redress."

In *Lochner v. New York*, 198 U. S. 45, 53, 56, 49 L. ed. 937, 940, 941, 25 Sup. Ct. Rep. 539, 541, 543, which involved the validity of a state enactment prescribing certain maximum hours for labor in bakeries, and which made it a misdemeanor for an employer to require or permit an employee in such an establishment to work in excess of a given number of hours each day, the court said: "The general right to make a contract in relation to his business is part of the liberty of the individual protected by the 14th Amendment of the Federal Constitution. *Allgeyer v. Louisiana*, 165 U. S. 578, 41 L. ed. 832, 17 Sup. Ct. Rep. 427. Under that provision no state can deprive any person of life, liberty, or property without due process of law. The right to purchase or to sell labor is part of the liberty protected by this Amendment, unless there are circumstances which exclude the right. There are, however, certain powers existing in the sovereignty of each state in the Union, somewhat vaguely termed 'police powers,' the exact description and limitation of which have not been attempted by the courts. Those powers, broadly stated, and without, at present, any attempt at a more specific limitation, relate to the safety, health, morals, and general welfare of the public. Both property and liberty are held on such reasonable conditions as may be imposed by the governing power of the state in the exercise of those powers, and with such conditions the 14th Amendment was not designed to interfere. *Mugler v. Kansas*, 123 U. S. 623, 31 L. ed. 205, 8 Sup. Ct. Rep. 273; *Re Kemmler*, 136 U. S. 436, 34 L. ed. 519, 10 Sup. Ct. Rep. 930; *Crowley v. Christensen*, 137 U. S. 86, 34 L. ed. 620, 11 Sup. Ct. Rep. 13; *Re Converse*, 137 U. S. 624, 34 L. ed. 796, 11 Sup. Ct. Rep. 191. * * * In every case that comes before this court, therefore, where legislation of this character is concerned, and where the protection of the Federal Constitution is sought, the question necessarily arises: Is this a fair, reasonable, and appropriate exercise of the police power of the state, or is it an unreasonable, unnecessary, and arbitrary interference with the right of the individual to his personal liberty or to enter into those contracts in relation to labor which may seem to him appropriate or necessary for the support of himself and his family? Of course, the liberty of contract relating to labor includes both parties to it. The one has as much right to purchase as the other to sell labor." Although there was a difference of opinion in that case among the members of the court as to certain propositions, there was no disagreement as to the general proposition that there is a liberty of contract which cannot be unreasonably interfered with by legislation. The minority were of opinion that the business referred to in the New York statute was such as to require regulation, and that, as the statute was not shown plainly and palpably to have imposed an unreasonable restraint upon freedom of contract, it should be regarded by the courts as a valid exercise of the state's power to care for the health and safety of its people.

While, as already suggested, the right of liberty and property guaranteed by the Constitution against deprivation without due process of law is subject to such reasonable restraints as the common good or the general welfare may require, it is not within the functions of government—at least, in the absence of contract between the parties—to compel any person, in the course of his business and against his will, to accept or retain the personal services of another, or to compel any person, against his will, to perform

personal services for another. The right of a person to sell his labor upon such terms as he deems proper is, in its essence, the same as the right of the purchaser of labor to prescribe the conditions upon which he will accept such labor from the person offering to sell it. So the right of the employee to quit the service of the employer, for whatever reason, is the same as the right of the employer, for whatever reason, to dispense with the services of such employee. It was the legal right of the defendant, Adair,—however unwise such a course might have been,—to discharge Coppage because of his being a member of a labor organization, as it was the legal right of Coppage, if he saw fit to do so,—however unwise such a course on his part might have been,—to quit the service in which he was engaged, because the defendant employed some persons who were not members of a labor organization. In all such particulars the employer and the employee have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land. These views find support in adjudged cases, some of which are cited in the margin.† Of course, if the parties by contract fixed the period of service, and prescribed the conditions upon which the contract may be terminated such contract would control the rights of the parties as between themselves, and for any violation of those provisions the party wronged would have his appropriate civil action. And it may be—but upon that point we express no opinion—that, in the case of a labor contract between an employer engaged in interstate commerce and his employee, Congress could make it a crime for either party, without sufficient or just excuse or notice to disregard the terms of such contract or to refuse to perform it. In the absence, however, of a valid contract between the parties controlling their conduct towards each other and fixing a period of service it cannot be, we repeat, that an employer is under any legal obligation, against his will, to retain an employee in his personal service any more than an employee can be compelled, against his will, to remain in the personal service of another. So far as this record discloses the facts the defendant, who seemed to have authority in the premises, did not agree to keep Coppage in service for any particular time, nor did Coppage agree to remain in such service a moment longer than he chose. The latter was at liberty to quit the service without assigning

† *People v. Marcus*, 185 N. Y. 257, 7 L. R. A. (N. S.) 282, 113 Am. St. Rep. 902, 77 N. E. 1073; *National Protective Asso. v. Cumming*, 170 N. Y. 315, 58 L. R. A. 135, 88 Am. St. Rep. 648, 63 N. E. 369; *Jacobs v. Cohen*, 183 N. Y. 207, 2 L. R. A. (N. S.) 292, 111 Am. St. Rep. 730, 76 N. E. 5; *State v. Julow*, 129 Mo. 163, 29 L. R. A. 257, 50 Am. St. Rep. 443, 31 S. W. 781; *State v. Goodwill*, 33 W. Va. 179, 6 L. R. A. 621, 25 Am. St. Rep. 863, 10 S. E. 285; *Gillespie v. People*, 188 Ill. 176, 52 L. R. A. 283, 80 Am. St. Rep. 176, 58 N. E. 1007; *State ex rel. Zillmer v. Kreutzberg*, 114 Wis. 530, 58 L. R. A. 748, 91 Am. St. Rep. 934, 90 N. W. 1098; *Wallace v. Georgia, C. & N. R. Co.*, 94 Ga. 732, 22 S. E. 579; *Hundley v. Louisville & N. R. Co.*, 105 Ky. 162, 63 L. R. A. 289, 88 Am. St. Rep. 298, 48 S. W. 429; *Brewster v. C. Miller's Sons Co.*, 104 Ky. 368, 38 L. R. A. 505, 41 S. W. 301; *New York, C. & St. L. R. Co. v. Schaffer*, 65 Ohio St. 414, 62 L. R. A. 931, 87 Am. St. Rep. 628, 62 N. E. 1036; *Arthur v. Oakes*, 25 L. R. A. 414, 4 Inters. Com. Rep. 744, 11 C. C. A. 209, 24 U. S. App. 239, 63 Fed. 310.

any reason for his leaving. And the defendant was at liberty, in his discretion, to discharge Coppage from service without giving any reason for so doing.

As the relations and the conduct of the parties toward each other was not controlled by any contract other than a general employment on one side to accept the services of the employee and a general agreement on the other side to render services to the employer,—no term being fixed for the continuance of the employment,—Congress could not, consistently with the 5th Amendment, make it a crime against the United States to discharge the employee because of his being a member of a labor organization.

But it is suggested that the authority to make it a crime for an agent or officer of an interstate carrier, having authority in the premises from his principal, to discharge an employee from service to such carrier, simply because of his membership in a labor organization, can be referred to the power of Congress to regulate interstate commerce, without regard to any question of personal liberty or right of property arising under the 5th Amendment. This suggestion can have no bearing in the present discussion unless the statute, in the particular just stated, is, within the meaning of the Constitution, a regulation of commerce among the states. If it be not, then clearly the government cannot invoke the commerce clause of the Constitution as sustaining the indictment against Adair.

Let us inquire what is commerce, the power to regulate which is given to Congress?

This question has been frequently propounded in this court, and the answer has been—and no more specific answer could well have been given—that commerce among the several states comprehends traffic, intercourse, trade, navigation, communication, the transit of persons, and the transmission of messages by telegraph—indeed, every species of commercial intercourse among the several states,—but not that commerce “completely internal, which is carried on between man and man, in a state, or between different parts of the same state, and which does not extend to or affect other states.” The power to regulate interstate commerce is the power to prescribe rules by which such commerce must be governed.† Of course, as has been often said, Congress has a large discretion in the selection or choice of the means to be employed in the regulation of interstate commerce, and such discretion is not to be interfered with except where that which is done is in plain violation of the Constitution. *Northern Securities Co. v. United States*, 193 U. S. 197, 48 L. ed. 679, 24 Sup. Ct. Rep. 436, and authorities there cited. In this connection we may refer to *Johnson v. Southern P. Co.* 196 U. S. 1, 49

† *Gibbons v. Ogden*, 9 Wheat. 1, 6 L. ed. 23; *Passenger Cases*, 7 How. 283, 12 L. ed. 702; *Almy v. California*, 24 How. 169, 16 L. ed. 644; *Pensacola Teleg. Co. v. Western U. Teleg. Co.* 96 U. S. 1, 9, 12, 24 L. ed. 708, 710, 711; *Mobile County v. Kimball*, 102 U. S. 691, 26 L. ed. 238; *Western U. Teleg. Co. v. Pendleton*, 122 U. S. 347, 356, 30 L. ed. 1187, 1188, 1 Inters. Com. Rep. 306, 7 Sup. Ct. Rep. 1126; *Lottery Case (Champion v. Ames)* 188 U. S. 321, 352, 47 L. ed. 492, 499, 23 Sup. Ct. Rep. 321; *Northern Securities Co. v. United States*, 193 U. S. 197, 48 L. ed. 679, 24 Sup. Ct. Rep. 436; *Howard v. Illinois C. R. Co.* (present term) 207 U. S. 463, ante, 141, 28 Sup. Ct. Rep. 141.

L. ed. 363, 25 Sup. Ct. Rep. 158, relied on in argument, which case arose under the act of Congress of March 2, 1893 (27 Stat. at L. 531, chap. 196, U. S. Comp. Stat. 1901, p. 3174). That act required carriers engaged in interstate commerce to equip their cars used in such commerce with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes. But the act upon its face showed that its object was to promote the safety of employees and travelers upon railroads; and this court sustained its validity upon the ground that it manifestly had reference to interstate commerce, and was calculated to subserve the interests of such commerce by affording protection to employees and travelers. It was held that there was a substantial connection between the object sought to be attained by the act and the means provided to accomplish that object. So, in regard to *Howard v. Illinois C. R. Co.* decided at the present term. 207 U. S. 463, ante, 141, 28 Sup. Ct. Rep. 141. In that case the court sustained the authority of Congress, under its power to regulate interstate commerce, to prescribe the rule of liability, as between interstate carriers and its employees in such interstate commerce, in cases of personal injuries received by employees while actually engaged in such commerce. The decision on this point was placed on the ground that a rule of that character would have direct reference to the conduct of interstate commerce, and would, therefore, be within the competency of Congress to establish for commerce among the states, but not as to commerce completely internal to a state. Manifestly, any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the states, must have some real or substantial relation to or connection with the commerce regulated. But what possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization cannot have, *in itself* and in the eye of the law, any bearing upon the commerce with which the employee is connected by his labor and services. Labor associations, we assume, are organized for the general purpose of improving or bettering the conditions and conserving the interests of its members as wage-earners,—an object entirely legitimate and to be commended rather than condemned. But surely those associations, as labor organizations, have nothing to do with interstate commerce, as such. One who engages in the service of an interstate carrier will, it must be assumed, faithfully perform his duty, whether he be a member or not a member of a labor organization. His fitness for the position in which he labors and his diligence in the discharge of his duties cannot, in law or sound reason, depend in any degree upon his being or not being a member of a labor organization. It cannot be assumed that his fitness is assured, or his diligence increased, by such membership, or that he is fit or less diligent because of his not being a member of such an organization. It is the employee as a man, and not as a member of a labor organization, who labors in the service of an interstate carrier. Will it be said that the provision in question had its origin in the apprehension, on the part of Congress, that, if it did not show more consideration for members of labor organizations than for wage-earners who were not members of such organizations, or if it did not insert in the statute some such provision as the one here in question, members of labor organizations would, by illegal or violent measures, interrupt or impair the freedom of

commerce among the states? We will not indulge in any such conjectures, nor make them, in whole or in part, the basis of our decision. We could not do so consistently with the respect due to a co-ordinate department of the government. We could not do so without imputing to Congress the purpose to accord to one class of wage-earners privileges withheld from another class of wage-earners, engaged, it may be, in the same kind of labor and serving the same employer. Nor will we assume, in our consideration of this case, that members of labor organizations will, in any considerable numbers, resort to illegal methods for accomplishing any particular object they have in view.

Looking alone at the words of the statute for the purpose of ascertaining its scope and effect, and of determining its validity, we hold that there is no such connection between interstate commerce and membership in a labor organization as to authorize Congress to make it a crime against the United States for an agent of an interstate carrier to discharge an employee because of such membership on his part. If such a power exists in Congress it is difficult to perceive why it might not, by absolute regulation, require interstate carriers, under penalties, to employ, in the conduct of its interstate business, *only* members of labor organizations, or *only* those who are *not* members of such organizations, a power which could not be recognized as existing under the Constitution of the United States. No such rule of criminal liability as that to which we have referred can be regarded as, in any just sense, a regulation of interstate commerce. We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, cannot be exerted in violation of any fundamental right secured by other provisions of the Constitution. *Gibbons v. Ogden*, 9 Wheat. 1, 196, 6 L. ed. 23, 70; *Lottery Case (Champion v. Ames)* 188 U. S. 321, 353, 47 L. ed. 492, 500, 23 Sup. Ct. Rep. 321.

It results, on the whole case, that the provision of the statute under which the defendant was convicted must be held to be repugnant to the 5th Amendment, and as not embraced by nor within the power of Congress to regulate interstate commerce, but, under the guise of regulating interstate commerce, and as applied to this case, it arbitrarily sanctions an illegal invasion of the personal liberty as well as the right of property of the defendant, Adair.

We add that since the part of the act of 1898 upon which the first count of the indictment is based, and upon which alone the defendant was convicted, is severable from its other parts, and as what has been said is sufficient to dispose of the present case, we are not called upon to consider other and independent provisions of the act, such, for instance, as the provisions relating to arbitration. This decision is therefore restricted to the question of the validity of the particular provision in the act of Congress making it a crime against the United States for an agent or officer of an interstate carrier to discharge an employee from its service because of his being a member of a labor organization.

The judgment must be reversed, with directions to set aside the verdict and judgment of conviction, sustain the demurrer to the indictment, and dismiss the case.

It is so ordered.

Mr. Justice HOLMES, dissenting:

I also think that the statute is constitutional, and, but for the decision of my brethren, I should have felt pretty clear about it.

As we all know, there are special labor unions of men engaged in the service of carriers. These unions exercise a direct influence upon the employment of labor in that business, upon the terms of such employment, and upon the business itself. Their very existence is directed specifically to the business, and their connection with it is, at least, as intimate and important as that of safety couplers, and, I should think, as the liability of master to servant,—matters which, it is admitted, Congress might regulate, so far as they concern commerce among the states. I suppose that it hardly would be denied that some of the relations of railroads with unions of railroad employees are closely enough connected with commerce to justify legislation by Congress. If so, legislation to prevent the exclusion of such unions from employment is sufficiently near.

The ground on which this particular law is held bad is not so much that it deals with matters remote from commerce among the states, as that it interferes with the paramount individual rights secured by the 5th Amendment. The section is, in substance, a very limited interference with freedom of contract, no more. It does not require the carriers to employ anyone. It does not forbid them to refuse to employ anyone, for any reason they deem good, even where the notion of a choice of persons is a fiction and wholesale employment is necessary upon general principles that it might be proper to control. The section simply prohibits the more powerful party to exact certain undertakings, or to threaten dismissal or unjustly discriminate on certain grounds against those already employed. I hardly can suppose that the grounds on which a contract lawfully may be made to end are less open to regulation than other terms. So I turn to the general question whether the employment can be regulated at all. I confess that I think that the right to make contracts at will that has been derived from the word "liberty" in the amendments has been stretched to its extreme by the decisions; but they agree that sometimes the right may be restrained. Where there is, or generally is believed to be, an important ground of public policy for restraint, the Constitution does not forbid it, whether this court agrees or disagrees with the policy pursued. It cannot be doubted that to prevent strikes, and, so far as possible, to foster its scheme of arbitration, might be deemed by Congress an important point of policy, and I think it impossible to say that Congress might not reasonably think that the provision in question would help a good deal to carry its policy along. But suppose the only effect really were to tend to bring about the complete unionizing of such railroad laborers as Congress can deal with, I think that object alone would justify the act. I quite agree that the question what and how much good labor unions do, is one on which intelligent people may differ; I think that laboring men sometimes attribute to them advantages, as many attribute to combinations of capital disadvantages, that really are due to economic conditions of a far wider and deeper kind; but I could not pronounce it unwarranted if Congress should decide that to foster a strong union was for the best interest, not only of the men, but of the railroads and the country at large. (*Adair v. United States*, 28 Sup. Ct. Rep. 277.)

REPORT OF ROCHESTER CHILD LABOR COMMITTEE.

In December, 1907, Mayor Cutler of Rochester appointed a committee of citizens to investigate the conditions in Rochester as to child labor. The members of the committee were Bishop Thomas F. Hickey, Rev. Dr. C. C. Albertson, representing respectively the Catholic and Protestant churches; Mrs. W. W. Armstrong, the Mothers' Clubs and other interests; C. F. Garfield, the Chamber of Commerce; Isaac Adler, the Department of Education; Joseph T. Alling, at large, and M. J. O'Brien, organized labor. The committee began work in December. On February 29th its report was presented to Mayor Edgerton, who had succeeded Mayor Cutler. The report, which deals with conditions as to one of the most important of labor problems in one of the foremost cities of the state, is a sufficiently valuable document to warrant its general publicity by publication here. At the time it was presented, the suggestion was made that the committee should be made permanent. According to press reports this has now been done by the reappointment on March 23d of all the members of the original committee with the addition of one new member, Mr. Elmer J. Bissell. Following is the report:

"In December, 1907, the Hon. James G. Cutler, then Mayor of Rochester, appointed the undersigned as a committee to investigate the working of the child labor law in Rochester, to inquire whether or not it was being enforced, and to make any recommendations that might be suggested by a careful study of the law and its operation.

"The committee recognized a three-fold division of the question, and set itself to consider:

"First — Is the child labor law being enforced in Rochester?

"Second — How much hardship is entailed upon poor families who need the wages their children are not permitted to earn?

"Third — Should the law be changed, and if so in what way?

"We respectfully submit our report, which for the sake of clearness we divide into a discussion of the three questions above enumerated.

"First — Is the child labor law being satisfactorily enforced in Rochester?

"Unhesitatingly we answer that it is. We have consulted with factory and mercantile inspectors; we have talked with manufacturers and labor leaders, and we have made our own investigations, and we do not find any general disregard or evasion of the law. There may have been wholesale violations in other years; there are probably some children at work to-day in spite of the law and its officers, but we confidently report that such

instances are few in number, and are quite as likely to be the result of ignorance of the law as of wilful disregard of its provisions. No one can with justice assert that the children of Rochester are to any extent being robbed of their childhood by premature consignment to factory or store life.

"This happy state of affairs is due we think to several causes. First—The law itself makes child labor unprofitable to the manufacturer because of its limitation of the hours when children between fourteen and sixteen may work. They must not begin work before 8 o'clock in the morning nor continue after 5 o'clock in the afternoon. As these hours do not correspond with the usual day's work, the employment of children becomes embarrassing and troublesome, with the result that few are employed.

"The second cause of our freedom from the shame of child labor is the vigilance of the inspectors and the co-operation of the police justice. There are two factory inspectors for this district, and one inspector of mercantile establishments. The factory inspectors are sometimes transferred to other parts of the state for a time, but they are vigilant and fearless, and no serious violation of the law can escape them. The police justice, too, has helped greatly by imposing substantial fines on employers who are found guilty of violating the law.

"The third cause is the willingness of our manufacturers as a rule to live strictly up to the legal requirements and not try to dodge them. There have been unpleasant exceptions to this rule in the past, and there may be some exceptions still, but we think most of our factories and stores should be put on the white list so far as employing child labor is concerned.

"In the second place we considered the question whether this careful enforcement of the law entailed hardship upon many families who needed the income which their children were thus not allowed to earn.

"We are happy to say that we believe there is very little of this kind of hardship. The law deals only with the children under 16 years of age, for above that age they are considered sufficiently grown to be beyond need of its special protecting care. Newsboys are permitted to begin work at the too early age of ten, but in other callings fourteen is the lowest age at which any child can be employed. The provisions of the child labor laws chiefly affect children between the ages of fourteen and sixteen. During this period they are permitted to work in stores and factories if they have a certificate given by the health office stating that they are over fourteen years old; are in good physical condition; that their school teachers vouch for their ability to read, write and cipher up to and including fractions, and that they have attended school at least one hundred and thirty days since they were thirteen years old.

"During the year 1907 there were 1,418 such certificates issued by the Rochester Health Office, 902 of these being for factory employment and 516 for mercantile work. This number included 101 who had previously applied and been rejected. During the same year 105 were refused at the time of their first application. These refusals were due to the fact that the children were below the standard in education, or because they needed the care of a physician, dentist or optician. Out of this 105 rejected 49 have already applied again, and have received certificates, having made good their deficiencies in education and physical condition. Thus out of all the children who applied for certificates in 1907 only 56 were finally rejected, and most

of these may yet receive their certificates. We believe that very few if any cases of real hardship followed the refusal to permit the child to work for wages.

"In this connection we cannot refrain from giving honor where honor is due. The Rochester Health Office is doing work in advance of any other in the state by insisting that the children who are permitted to work shall at least be in good physical condition. Many of the children whose families could not afford the necessary professional attention to put them in good condition have been generously and skillfully helped by the Public Health Association at its headquarters on South Washington street. Many a child has had his health greatly improved and his whole future helped by the timely assistance given by this splendid organization, which deserves a more generous support that it has received from the public. A few generous men have been maintaining the work that the whole community would doubtless be glad to continue if they only realized its value to the city.

"In our investigations we have found the compulsory education laws closely allied to and in harmony with the child labor laws. The policy of the state is clearly to compel all its citizens to get an education, and not to permit them to go to work until they have done so. We are sorry to say that a good many families seem more anxious to have their children at work than to have them at school for the required period. In some instances no doubt this is due to actual need, but in many instances it is due to the greed and ignorance of the parents, who are willing to discount the future of their children for immediate cash.

"Some families keep their children at home to tend the babies while the mother goes out to work. Thus they evade the child labor law by making truants of the children. This evasion can only be discovered by the attendance officers of the public school system. The number of attendance officers employed by the Board of Education is only three, which seems to us too small a number to adequately enforce the compulsory education law. We, therefore, recommend that this number be increased.

"We also recommend that some system of transfer be arranged between the public and parochial schools and between schools in different parts of the city, so that when parents transfer their children from one school to another because of change of residence or for any other reason, every child shall be considered a member of the school he has been attending and be reported to the attendance officer as such until notice is received that he is enrolled in another school. In this way there would be less opportunity for children to drop out of sight between schools and evade the education law.

"We make one more recommendation in connection with this part of the subject, namely, that the education law should no longer compel the attendance of working boys between the ages of fourteen and sixteen at night school. We believe that the average boy of that age at work from 8 until 5 o'clock is not in proper mental or physical condition to obtain much benefit from additional study in the evening unless such study is entirely voluntary.

"The above recommendations may seem to be beyond the province of this committee, but the education laws bear so closely upon the question of child labor that we have taken the liberty of including the foregoing with the other recommendations which we have decided to make as the third portion of our report. We believe that the law as it stands in New York is in the

main wisely conceived and carefully drawn. We recommend, however, the following changes:

"First—We recommend that section 93 of the labor and factories law should be so amended as to include in harmony with similar laws in other states a much larger list of occupations forbidden to children under 16 years of age, particularly the following:

"Oiling, wiping or cleaning machinery.

"Operating wood-polishing or metal-polishing machinery.

"Operating stamping machines in sheet metal or tinware.

"Operating elevators (freight or passenger).

"Operation laundry machinery.

"Employment in the manufacture of paints, colors or white lead, or in the manufacture of any article in preparing which dangerous explosives or poisonous chemicals are used.

"Employment as pin-boys in bowling alleys.

"Employment in any capacity in any saloon or concert-hall or other places of resort or amusement where intoxicating liquors are sold.

"Second—The enforcement of the law concerning the employment of children in stores has been entrusted in the past to the Health Department of the various cities of the state. We believe that this can be done more effectively by the inspectors of the Labor Department, and, therefore, we recommend that the duty of this enforcement of the mercantile sections of the law be transferred to the Department of Labor, which is responsible for the enforcement of the balance of the law. A bill to this end has already been introduced at Albany by Hon. J. S. Taylor in the Assembly and Hon. Alfred R. Page in the Senate, and we would recommend its adoption.

"Third—We respectfully recommend to the Department of Labor that they should not transfer their deputy inspectors from the Rochester district to other districts for a number of weeks at a time without sending other inspectors to take their places. If whole trades are to be left without inspection for periods of weeks and months it is much more difficult to prevent abuses from creeping in. If the Department of Labor has not enough inspectors to arrange for this, we would further recommend such appropriations as will enable them to increase their forces enough to cover the state.

"In conclusion we beg to say that we have become profoundly impressed with the dangers and disadvantages of child labor. The child who is sent to work under sixteen years of age is, in our opinion, robbed of his childhood, and is generally damaged for all his life.

"In 1905 a commission was appointed by the Governor of Massachusetts for the purpose of investigating the subject of industrial education as applied to the question of child labor. Their investigation covered most of the cities and towns of Massachusetts, and brought out some very important facts. They report that children who began work between the ages of fourteen and sixteen are to-day at the ages of eighteen and twenty receiving smaller wages than other children of equal age who stayed in school till they were sixteen years old. This is because fully eighty per cent. of these younger children entered industries that call for unskilled labor of the lowest order, and that pay the lowest rate of wages. These children get very little training that will lead to any betterment of wages later. They are not wanted as apprentices, but merely to furnish work at the lowest possible rate of

wages, and it is a lamentable fact that, having begun in these unskilled industries, they are more than likely to remain in them for life. The commission said: 'Neither power nor advantage is gained by entering industry at an early age, but the child who does enter closes behind the door of opportunity to progress to a fair living.' In our judgment the state is not warranted in helping to support such industries by making it easy for them to get child labor cheap, when such labor consigns the majority of the laborers to ignorance and to a stunted life.

"We appeal to all manufacturers to do away with the labor of boys and girls who are less than sixteen years of age, and we urge all parents to make every possible sacrifice to keep their children in school till they are at least sixteen. We recognize that imperative necessity compels some families to depend upon the wages earned by the children under that age, but in view of the unquestioned disadvantage growing out of work at too early an age, we repeat our urgent recommendation that children be kept at school at least till they are sixteen and longer if possible.

"Finally though somewhat beyond the scope of this inquiry, we cannot help recommending to all citizens to urge the enactment by the states if possible, but if not by them by the National Congress if necessary, of such child labor laws as shall bring our sister states in line with the intelligent and advanced legislation of New York, and so prevent the heartless sacrifice of little children in mines and factories."

APPENDIX.

STATISTICAL TABLES.

For the Year Ended September 30, 1907.

- I. Statistics of Factories Inspected, by Counties.
- II. " " " " Industries.
- III. Accidents in Factories and Quarries: Age and Sex of Persons Injured.
- IV. " " " " : Nature of Injuries, by Causes.

For October, November and December, 1907.

- V. Number and Percentage of Unemployed Members of Representative Trade Unions
- VI. Causes of Unemployment.
- VII. Building Operations in Principal Cities:
 - (a) New York City.
 - (b) Buffalo, Rochester, Syracuse and Troy.
- VIII. Immigration at the Port of New York.
- IX. Accidents in Factories, Quarries and Tunnel Construction:
 - (a) Age and Sex of Persons Injured.
 - (b) Causes and Results.
- X. Work of Deputy Factory Inspectors.
- XI. Children's Employment Certificates Issued in First and Second Class Cities.
- XII. Licenses for Manufacturing in Tenements.
- XIII. Prosecutions for Violation of the Factory Law.

TABLE I.—STATISTICS OF FACTORIES INSPECTED IN

COUNTY.	Number of inspections.	PLACES INSPECTED.			Number of establishments with no employees.	Number of owners at work.	LARGEST Office help.
		Once.	More than once.	Total.			
Albany.....	809	803	3	806	28	421	856
Allegany.....	116	114	1	115	.....	81	78
Broome.....	263	263	.....	263	4	237	464
Cattaraugus.....	138	108	15	123	2	51	159
Cayuga.....	193	191	1	192	3	57	360
Chautauqua.....	311	295	8	303	6	162	615
Chemung.....	200	198	1	199	.....	117	289
Chenango.....	105	99	3	102	1	78	83
Clinton.....	149	149	.....	149	1	96	86
Columbia.....	108	108	.....	108	5	43	93
Cortland.....	101	99	1	100	.....	32	100
Delaware.....	83	83	.....	83	.....	66	61
Dutchess.....	277	277	.....	277	9	128	265
Erie.....	1,738	1,724	7	1,731	23	927	5,022
Essex.....	80	78	1	79	.....	39	27
Franklin.....	142	142	.....	142	.....	105	62
Fulton.....	265	265	.....	265	.....	35	160
Genesee.....	99	94	2	96	1	36	168
Greene.....	58	58	.....	58	3	25	24
Hamilton.....	3	3	.....	3	.....	.....	.....
Herkimer.....	150	134	8	142	.....	17	244
Jefferson.....	179	143	18	161	1	56	187
Kings*.....	5,106	5,016	43	5,059	22	2,841	3,969
Lewis.....	63	51	1	52	1	25	2
Livingston.....	134	130	2	132	.....	85	44
Madison.....	109	109	.....	109	2	40	45
Monroe.....	1,619	1,600	10	1,610	23	1,064	2,520
Montgomery.....	137	137	.....	137	2	24	189
Nassau.....	194	194	.....	194	7	130	48
New York*.....	21,393	20,437	476	20,913	45	12,010	27,568
Niagara.....	292	290	1	291	4	104	643
Oneida.....	409	400	4	404	6	147	499
Onondaga.....	631	610	10	620	9	539	1,562
Ontario.....	123	121	1	122	4	113	200
Orange.....	213	213	.....	213	3	94	309
Orleans.....	59	59	.....	59	.....	33	39
Oswego.....	170	168	1	169	6	168	232
Otsego.....	97	97	.....	97	.....	69	73
Putnam.....	27	27	.....	27	.....	10	17
Queens*.....	538	538	.....	538	18	319	783
Rensselaer.....	548	548	.....	548	1	246	673
Richmond*.....	196	196	.....	196	.....	80	310
Rockland.....	95	95	.....	95	1	22	94
St. Lawrence.....	279	275	2	277	.....	255	153
Saratoga.....	216	214	1	215	4	76	213
Schenectady.....	212	212	.....	212	2	112	2,024
Schoharie.....	80	80	.....	80	.....	32	25
Schuyler.....	35	35	.....	35	.....	22	23
Seneca.....	80	80	.....	80	3	28	121
Steuben.....	238	236	1	237	.....	135	232
Suffolk.....	263	261	1	262	7	202	111
Sullivan.....	42	42	.....	42	4	32	3
Tioga.....	98	98	.....	98	.....	60	63
Tompkins.....	174	170	2	172	.....	70	67
Ulster.....	224	224	.....	224	4	81	118
Warren.....	129	129	.....	129	.....	32	113
Washington.....	119	119	.....	119	8	46	135
Wayne.....	170	170	.....	170	7	64	98
Westchester.....	500	494	3	497	3	147	775
Wyoming.....	94	92	1	93	5	31	63
Yates.....	129	60	34	94	2	62	27
Grand Total.....	40,792	39,455	663	40,118	290	22,459	53,568
*New York City.....	27,233	26,187	519	26,706	85	15,250	32,630

EACH COUNTY, YEAR ENDED SEPTEMBER 30, 1907.

NUMBER OF EMPLOYEES IN YEAR		NUMBER OF EMPLOYEES IN SHOP AT TIME OF INSPECTION.						
Shop force.	Total.	Total.	NUMBER IN SHOPS EMPLOYING —					
			1 to 4.	5 to 19.	20 to 49.	50 to 199.	200 to 499.	500+.
27,471	28,327	26,959	900	2,222	2,561	7,727	4,004	9,545
1,523	1,601	1,313	188	201	323	601		
12,196	12,660	11,861	182	935	1,129	4,403	1,056	4,156
4,903	5,062	4,347	102	354	488	2,265	437	701
8,977	9,337	8,408	259	338	583	1,265	1,304	4,659
14,633	15,248	13,290	216	1,017	1,316	3,908	1,169	5,664
7,674	7,963	6,511	190	565	833	2,492	2,431	
2,235	2,318	2,113	123	218	430	1,041	301	
2,656	2,742	2,316	179	241	598	1,298		
5,031	5,124	4,885	88	295	247	1,133	2,548	574
3,649	3,749	3,593	105	249	271	1,557	208	1,203
1,661	1,722	1,545	87	304	296	858		
10,826	11,091	10,153	235	760	835	2,736	4,730	857
80,159	85,181	74,584	1,573	5,020	7,250	20,412	14,206	26,123
1,713	1,740	1,567	83	184	167	760	373	
2,166	2,228	1,885	163	298	542	882		
8,919	9,079	8,709	140	1,080	1,657	4,270	1,562	
4,100	4,268	3,414	97	187	156	1,541	585	848
1,815	1,839	1,763	74	80	47	983	579	
61	61	58	1		57			
10,230	10,474	10,066	120	392	787	3,078	688	5,001
8,648	8,835	8,345	117	418	790	3,423	1,410	2,187
139,398	143,367	126,313	5,256	15,878	21,419	37,640	21,146	25,006
736	738	710	63	170	157	320		
1,880	1,924	1,476	214	209	218	835		
3,125	3,170	2,919	106	305	478	1,281	749	
52,432	54,952	49,085	1,535	5,615	6,715	17,320	8,693	9,207
13,300	13,489	13,058	101	308	516	3,369	4,058	4,706
2,328	2,376	1,959	254	472	462	391	380	
496,421	523,989	427,987	20,458	75,606	95,199	141,166	57,958	37,568
13,925	14,568	12,755	247	794	1,340	4,215	4,452	1,707
24,264	24,763	23,576	296	1,267	1,639	5,978	7,561	6,835
28,811	30,373	27,495	414	2,375	2,957	7,740	5,783	8,226
3,921	4,121	3,694	114	355	363	1,174	1,036	652
13,519	13,828	12,503	160	570	1,014	4,214	1,880	4,665
1,956	1,995	1,213	65	214	227	463	244	
9,230	9,462	8,798	123	499	826	1,984	3,620	1,746
2,158	2,231	2,041	107	241	507	356		830
1,354	1,371	1,120	43	20	50	533	474	
23,852	24,635	22,607	474	1,528	2,301	5,602	6,563	6,139
26,980	27,653	26,071	506	1,450	1,746	4,858	5,637	11,874
9,313	9,623	8,985	224	425	655	3,142	938	3,601
5,483	5,577	5,295	61	216	577	3,029	710	702
6,258	6,411	5,544	299	858	946	1,197	1,547	697
8,615	8,828	7,957	207	537	714	3,101	2,083	1,315
22,281	24,305	22,281	326	437	668	916		19,934
663	668	663	156	166	97	244		
626	649	507	59	91		357		
3,182	3,303	3,145	104	154	205	1,124	1,034	524
8,341	8,573	7,896	272	651	703	2,548	1,582	2,140
3,868	3,979	3,436	410	557	307	897	200	1,065
279	282	269	64	59	146			
1,608	1,671	1,351	148	240	130	833		
2,135	2,202	1,875	200	450	536	689		
8,707	8,825	8,424	229	512	817	4,077	1,636	1,153
4,646	4,659	4,546	149	430	322	771	2,168	706
4,555	4,690	4,195	105	254	342	1,855	1,089	550
2,724	2,822	2,255	227	300	260	1,468		
22,556	23,331	21,210	646	1,271	1,409	3,332	4,250	10,302
3,195	3,258	2,902	96	191	282	762	546	1,045
956	983	754	100	252	222	180		
1,200,727	1,254,313	1,086,555	39,840	131,285	168,815	336,594	185,608	224,413
668,984	701,614	585,892	26,412	93,437	119,574	187,550	86,605	72,314

TABLE I.—STATISTICS OF FACTORIES INSPECTED

COUNTY.	NUMBER OF EMPLOYEES AT TIME						
	Grand total.	OFFICE FORCE.			SHOP		
		Total.	Boys, 14-16.	Girls, 14-16.	Total.	Men, 18 yrs. +.	Y'ths, 16-18.
Albany.....	27,815	856			26,959	17,308	258
Allegany.....	1,391	78			1,313	1,130	17
Broome.....	12,325	464			11,861	7,527	183
Cattaraugus.....	4,504	157			4,347	3,727	107
Cayuga.....	8,768	360			8,408	6,055	260
Chautauqua.....	13,898	608	2	1	13,290	10,560	453
Chemung.....	6,803	292			6,511	4,424	80
Chenango.....	2,196	83			2,113	1,612	22
Clinton.....	2,402	86			2,316	1,699	61
Columbia.....	4,978	93			4,885	3,093	137
Cortland.....	3,693	100			3,593	2,828	45
Delaware.....	1,606	61			1,545	1,155	33
Dutchess.....	10,409	256			10,153	7,572	232
Erie.....	79,578	4,994	19	1	74,584	61,271	1,716
Essex.....	1,594	27			1,567	1,413	13
Franklin.....	1,947	62			1,885	1,512	79
Fulton.....	8,869	160	1		8,709	5,647	88
Genesee.....	3,579	165	1	1	3,414	2,703	32
Greene.....	1,787	24	1		1,763	1,396	39
Hamilton.....	58				58	56	12
Herkimer.....	10,310	244	7		10,066	7,561	212
Jefferson.....	8,529	184			8,345	7,615	24
Kings*.....	130,249	3,936	16		126,313	87,767	2,808
Lewis.....	712	2			710	689	
Livingston.....	1,520	44			1,476	1,056	39
Madison.....	2,964	45			2,919	2,246	35
Monroe.....	51,605	2,520	20	2	49,085	32,265	1,174
Montgomery.....	13,247	189	2		13,058	7,092	201
Nassau.....	2,007	48			1,959	1,776	22
New York*.....	455,315	27,328	272	26	427,987	264,654	5,173
Niagara.....	13,393	638	4		12,755	10,218	256
Oneida.....	24,111	535			23,576	14,480	391
Onondaga.....	29,054	1,559	10		27,495	21,822	541
Ontario.....	3,892	198			3,694	2,993	84
Orange.....	12,812	309	1		12,503	9,296	281
Orleans.....	1,252	39			1,213	1,025	28
Oswego.....	9,029	231	1		8,798	6,272	201
Otsego.....	2,114	73			2,041	1,559	21
Putnam.....	1,137	17			1,120	1,005	16
Queens*.....	23,390	783	5		22,607	18,296	557
Rensselaer.....	26,743	672	2		26,071	12,806	390
Richmond*.....	9,291	306	1		8,985	7,969	94
Rockland.....	5,389	94			5,295	4,635	171
St. Lawrence.....	5,697	153			5,544	4,612	97
Saratoga.....	8,168	211			7,957	5,796	65
Schenectady.....	24,305	2,024	17		22,281	20,009	159
Schoharie.....	688	25			663	505	1
Schuyler.....	530	23			507	440	3
Seneca.....	3,266	121			3,145	2,523	51
Steuben.....	8,128	232			7,896	5,934	260
Suffolk.....	3,547	111	2		3,436	2,432	103
Sullivan.....	272	3			269	257	1
Tioga.....	1,414	63			1,351	1,014	13
Tompkins.....	1,942	67			1,875	1,575	13
Ulster.....	8,542	118			8,424	6,218	142
Warren.....	4,659	113			4,546	2,868	9
Washington.....	4,322	127			4,195	2,909	57
Wayne.....	2,353	98			2,255	1,607	49
Westchester.....	21,947	737		1	21,210	16,157	496
Wyoming.....	2,963	61	1		2,902	2,002	24
Yates.....	780	26			754	589	4
Grand Total.....	1,139,788	53,233	385	32	1,086,555	745,032	18,107
*New York City.....	618,245	32,353	294	26	585,892	378,686	8,632

† Including children discharged for

IN EACH COUNTY, 1907—Concluded.

OF INSPECTION.						WEEKLY HOURS OF LABOR.				Children under 14 years found in —	
FORCE.			ALL CHILDREN 14 to 16 YEARS OLD.†			NUMBER EMPLOYEES IN SHOPS WHO WORK —					
Boys, 14-16	Women, 16 yrs. +	Girls, 14-16.	Office.†	Shop.†	Total.†	51 hrs. or less.	52 to 57 hours.	58 to 63 hours.	Over 63 hours.	Office.	Shop.
191	8,948	254		445	445	2,624	8,577	15,696	62		1
3	163			3	3	15	65	1,193	40		
44	4,071	36		80	80	809	2,528	8,306	218		3
37	453	23		60	60	68	688	3,395	196		
71	1,977	45		116	116	191	1,102	7,093	22		
121	2,013	143	3	264	267	188	7,621	5,443	38		
10	1,976	21		31	31	222	1,480	4,629	180		
11	455	13		24	24	52	179	1,437	455		
12	528	16		28	28	77	592	1,399	248		1
77	1,533	45		122	122	89	263	4,109	424		
9	691	20		29	29	81	392	3,094	26		
9	337	11		20	20	161	158	879	347		2
80	2,204	65		145	145	776	3,486	5,705	186		
593	10,713	291	20	884	904	3,421	22,472	39,417	9,274		21
4	136	1		5	5	331	413	658	165		
18	273	3		21	21	32	166	1,562	125		
78	2,834	62	1	140	141	98	139	8,463	9		1
20	631	27	2	47	49	197	501	2,390	326		
18	315	15	1	33	34	14	65	1,670	14		
								20	38		
54	2,194	45	7	99	106	8	198	8,763	1,097		
8	687	11		19	19	543	308	6,068	1,426		
781	33,769	1,188	16	1,969	1,985	11,579	66,477	46,781	1,476		25
1	20			1	1	11	2	427	270		
6	268	7		13	13	63	296	1,027	90		
18	601	21		39	39	340	103	1,970	506		
423	14,786	437	22	860	882	2,522	33,799	12,296	468		8
148	5,428	189	2	337	339	43	1,590	11,290	135		
5	151	5		10	10	40	816	1,006	97		
1,095	153,706	2,759	298	4,454	4,752	62,797	260,166	99,793	5,231	6	46
91	2,117	73	4	164	168	1,033	3,072	7,735	915		2
269	8,131	305		574	574	433	1,704	21,175	264		2
231	4,675	226	10	457	467	912	8,443	16,880	1,260		1
19	595	3		22	22	107	1,238	2,139	210		3
138	2,732	56	1	194	195	934	4,592	6,611	366		4
17	143			17	17	43	155	1,002	13		
112	2,103	110	1	223	223	95	1,429	6,693	581		
8	448	5		13	13	112	824	780	325		
5	94			5	5	42	370	702	6		
239	3,278	237	5	476	481	3,496	8,229	9,644	1,238		5
149	12,588	138	2	237	289	1,127	10,781	12,585	578		
29	864	29	1	58	59	434	4,344	4,150	57		
53	424	12		65	65	127	1,340	3,653	175		
14	781	40		54	54	462	1,853	3,476	753		
33	2,083	30		63	63	1,636	1,842	3,380	1,099		
51	2,044	18	17	69	86	325	20,786	1,132	38		
2	154	1		3	3	24	139	500			
	64					12	42	451	2		
9	559	3		12	12	30	606	2,487	22		
47	1,643	12		59	59	102	2,254	5,445	95		
56	789	56	2	112	114	274	2,243	822	97		4
2	9			2	2	10	53	159	47		
5	314	5		10	10	64	217	1,066	4		
3	379			3	3	247	257	1,131	240		
214	1,736	114		328	328	272	1,146	6,133	873		
41	1,801	27		68	68	90	668	3,505	283		
10	1,206	14		24	24	833	258	2,481	623		
30	545	24		54	54	60	316	1,852	27		
108	4,393	61	1	164	165	3,200	13,299	3,088	1,653		1
13	847	16	1	29	30	22	296	2,221	363		1
4	156	1		5	5	23	26	571	134		
6,542	309,505	7,369	417	13,911	14,328	103,973	506,434	440,618	35,530	6	130
2,744	191,617	4,213	320	6,957	7,277	78,306	339,216	160,368	8,002	6	76

lack of employment certificate.

TABLE II.—STATISTICS OF FACTORIES INSPECTED IN

INDUSTRY GROUPS WITH FIRST AND SECOND CLASS CITIES UNDER EACH	Number of Inspections.	Places in- spect- ed.	Number of owners at work.	LARGEST NUMBER OF EMPLOYEES.		NUMBER			
				Office.	Shop.	Grand total.	OFFICE FORCE.		Total.
							Total.	14- 16 yrs.	
1. Stone, Clay and Glass Products.....	1,027	1,012	355	1,136	43,408	40,638	1,131	2	39,507
Albany.....	12	12	5	4	319	311	4	.....	307
Buffalo.....	45	44	10	81	1,648	1,509	81	.....	1,428
New York City.....	503	500	230	593	14,804	13,551	594	1	12,957
Rochester.....	16	16	4	11	721	568	11	.....	557
Schenectady.....	9	9	5	12	321	333	12	.....	321
Syracuse.....	16	16	9	20	806	783	20	.....	763
Troy.....	11	11	5	13	286	273	13	.....	260
Utica.....	8	8	2	.....	226	151	.....	.....	151
Yonkers.....	1	1	.....	.....	4	4	.....	.....	4
Remainder of State.....	406	395	85	402	24,273	23,155	396	1	22,759
2 Metals, Machines and Conveyances.....	5,525	5,466	2,656	17,239	297,108	294,561	17,173	171	277,388
Albany.....	73	73	31	138	4,466	4,514	138	.....	4,376
Buffalo.....	383	381	178	1,481	31,258	30,849	1,480	10	29,389
New York City.....	3,404	3,367	1,653	8,325	111,775	109,464	8,289	117	101,195
Rochester.....	221	221	93	564	11,449	11,904	564	4	11,340
Schenectady.....	22	22	8	1,927	20,471	22,398	1,927	17	20,471
Syracuse.....	137	134	130	588	10,770	10,686	587	5	10,099
Troy.....	70	70	23	145	4,027	4,120	145	.....	3,975
Utica.....	46	45	16	50	2,189	2,108	72	.....	2,036
Yonkers.....	19	19	4	166	1,965	2,029	166	.....	1,863
Remainder of State.....	1,150	1,134	522	3,855	98,738	96,489	3,845	18	92,644
3. Wood Manufactures.....	3,060	3,012	1,553	3,112	89,772	83,941	3,103	16	80,838
Albany.....	46	46	19	21	633	592	21	.....	571
Buffalo.....	133	133	56	303	6,303	6,116	303	1	5,813
New York City.....	1,567	1,531	747	1,678	45,915	42,032	1,666	8	40,366
Rochester.....	106	106	50	214	4,701	4,719	214	4	4,505
Schenectady.....	8	8	1	12	138	150	12	.....	138
Syracuse.....	47	47	51	43	1,007	1,045	43	.....	1,002
Troy.....	23	23	15	3	183	165	3	.....	162
Utica.....	14	13	4	7	352	338	7	.....	331
Yonkers.....	15	15	1	4	296	229	4	.....	225
Remainder of State.....	1,111	1,090	609	827	30,244	28,555	830	3	27,725
4. Leather and Rubber Goods.....	2,468	2,436	1,252	2,422	72,699	66,771	2,405	20	64,366
Albany.....	15	15	8	3	135	113	3	.....	110
Buffalo.....	83	83	52	102	2,946	2,794	102	.....	2,692
New York City.....	1,862	1,834	1,033	1,491	38,518	33,755	1,474	15	32,281
Rochester.....	112	112	45	275	7,854	7,664	275	1	7,389
Schenectady.....	3	3	2	1	11	12	1	.....	11
Syracuse.....	15	15	16	30	827	841	30	1	811
Troy.....	24	24	15	17	639	642	17	.....	625
Utica.....	7	7	.....	4	162	159	4	.....	155
Yonkers.....	4	4	.....	23	482	503	23	.....	480
Remainder of State.....	343	339	81	476	21,125	20,288	476	3	19,812
5. Chemicals, Oils, Paints, Etc.....	858	855	267	4,670	33,573	36,739	4,660	5	32,079
Albany.....	11	11	5	23	299	316	23	.....	293
Buffalo.....	58	58	25	1,465	3,640	5,024	1,465	.....	3,559
New York City.....	597	595	141	2,345	17,780	19,171	2,345	2	16,826
Rochester.....	29	29	2	113	782	821	113	.....	703
Schenectady.....	2	2	1	15	23	38	15	.....	23
Syracuse.....	17	17	5	45	751	767	45	.....	722
Troy.....	7	7	.....	14	82	96	14	.....	82
Utica.....	1	1	.....	1	8	9	1	.....	8
Yonkers.....	2	2	.....	14	87	101	14	.....	87
Remainder of State.....	134	133	28	635	10,121	10,396	625	3	9,771

EACH INDUSTRY, YEAR ENDED SEPTEMBER 30, 1907.

OF EMPLOYEES AT TIME OF INSPECTION.								WEEKLY HOURS OF LABOR.					Children under 14 years (in shop except as noted).
SHOP FORCE.								NUMBER EMPLOYEES (IN SHOPS) WHO WORK—					
Number in Shops Employing—			Sex and Age.					51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1-19.	20-199.	200 +.	Men (18 yrs. +).	Y'ths (16-18 yrs.).	Boys (14-16 yrs.).	Women (16 yrs. +).	Girls (14-16 yrs.).						
4,395	25,794	9,318	36,187	1,018	382	1,840	80	7,709	9,183	20,362	2,253	12	
49	258		304	2	1			9	35	263			
219	856	353	1,084	43	51	241	9	135	1,067	228			
2,710	7,846	2,401	11,686	262	90	883	36	5,256	3,720	3,876	105	6	
57	500		538	12	1	6		410	33	114			
22	299		177	2		138	4	36	232	53			
95	205	463	535	25	25	175	3	23	510	230			
39	221		260					31	50	179			
76	75		151						8	143			
4			4					4					
1,124	15,534	6,101	21,448	672	214	397	28	1,805	3,528	15,278	2,148	6	
23,716	91,143	162,529	255,296	5,837	1,365	14,556	334	12,022	137,760	115,983	11,623	9	
274	1,275	2,827	4,294	33	3	46		49	3,658	669			
1,324	8,236	19,829	28,042	550	138	651	8	487	8,837	18,235	1,830	1	
15,877	40,392	44,926	89,166	2,953	666	8,236	174	9,952	64,152	26,861	230	6	
938	5,817	4,585	9,593	435	163	1,059	90	431	9,338	1,571			
63	474	19,934	18,935	152	41	1,341	2	37	20,123	311			
580	2,848	6,671	9,519	223	60	290	7	80	2,268	7,547	204		
294	819	2,862	3,947	16		12		207	890	2,865	13		
184	1,102	750	1,998	21	5	12		17	105	1,914			
55	342	1,466	1,721	19		123		24	1,802	5	32		
4,127	29,838	58,679	88,081	1,435	289	2,786	53	738	26,587	56,005	9,314	2	
13,956	50,102	16,780	73,437	2,225	824	4,209	143	7,186	28,643	44,202	807	3	
233	338		498	3	5	65		47	133	391			
463	3,670	1,680	5,017	347	110	326	13	239	658	4,916			
7,217	24,374	8,775	36,583	1,021	444	2,232	86	5,902	20,197	14,021	246		
391	2,906	1,208	4,160	120	22	189	14	77	2,187	2,241			
22	116		137			1			104	34			
211	791		917	17	8	60		20	320	662		1	
65	97		161	1				6	93	63			
72	259		297	11	3	20		2	12	317		1	
99	126		206	18	1			92	13	120		1	
5,183	17,425	5,117	25,461	687	231	1,316	30	801	4,926	21,437	561	1	
11,074	32,015	21,277	42,743	1,481	616	18,994	532	2,251	25,721	36,256	138	9	
37	73		62	1		47		2	11	97			
350	1,258	1,084	1,810	103	53	702	24	38	763	1,891			
8,674	16,859	6,748	22,087	614	257	9,058	265	2,080	18,790	11,326	85	6	
430	2,726	4,233	4,046	313	105	2,846	79	33	3,728	3,628			
11			11							11			
64	348	399	438	41	16	308	8		394	417			
102	523		555	21	3	48		22	133	470			
18	137		74	1	1	67	12		11	144			
19	35	426	263	12	5	199	1	6	433	41			
1,369	10,056	8,387	13,397	375	176	5,721	143	70	1,458	18,231	53	3	
3,844	13,136	15,099	23,766	618	241	7,250	204	3,666	13,355	14,180	878		
62	231		228	1	21	41	2		60	233			
231	1,483	1,845	2,548	213	11	785	2	126	1,767	1,568	98		
2,677	8,344	5,805	11,656	272	142	4,635	121	3,299	7,940	5,315	272		
139	327	242	474	4	2	226	2	9	547	152			
2	21		13			10		21		2			
89	386	247	412	22	24	228	36	17	365	340			
22	60		82						1	81			
8			8							8			
	87		36	2		49			87				
614	2,197	6,960	8,309	104	41	1,276	41	194	2,588	6,481	508		

TABLE II.—STATISTICS OF FACTORIES INSPECTED IN EACH

INDUSTRY GROUPS WITH FIRST AND SECOND CLASS CITIES UNDER EACH	Number of Inspection.	Places in- spect- ed.	Number of owners at work.	LARGEST NUMBER OF EMPLOYERS.		NUMBER			
				Office.	Shop.	Grand total.	OFFICE FORCE.		Total.
							Total.	14- 16 yrs.	
6. Paper and Pulp.....	255	246	57	330	15,668	15,594	330	1	15,264
Albany.....	1	1	.....	1	51	52	1	.....	51
Buffalo.....	3	3	1	4	89	93	4	.....	89
New York City.....	46	46	18	41	1,263	1,262	41	.....	1,221
Rochester.....	1	1	.....	2	26	28	2	.....	26
Troy.....	3	3	.....	5	132	137	5	.....	132
Remainder of State.	201	192	38	277	14,107	14,022	277	1	13,745
7. Printing and Paper Goods.....	3,320	3,273	1,760	9,845	93,587	95,569	9,789	119	85,780
Albany.....	51	51	20	182	2,158	2,291	182	.....	2,109
Buffalo.....	111	111	70	482	5,524	5,530	475	2	5,055
New York City.....	2,231	2,193	1,132	7,530	69,809	70,876	7,485	110	63,391
Rochester.....	92	91	57	495	3,454	3,730	495	3	3,235
Schenectady.....	16	16	6	39	250	289	39	.....	250
Syracuse.....	45	43	42	154	951	1,074	152	1	922
Troy.....	33	33	14	68	891	946	68	1	878
Utica.....	18	18	15	75	190	257	75	.....	182
Yonkers.....	8	8	.....	6	105	109	6	.....	103
Remainder of State.	715	709	404	814	10,255	10,467	812	2	9,655
8. Textiles.....	1,067	1,054	330	1,663	102,499	98,665	1,624	14	97,241
Albany.....	4	4	.....	7	711	718	7	.....	711
Buffalo.....	9	9	1	14	572	576	14	.....	562
New York City.....	651	641	262	660	30,622	27,905	651	10	27,254
Rochester.....	5	5	.....	3	715	667	14	.....	653
Schenectady.....	2	2	.....	3	212	215	3	.....	212
Syracuse.....	6	5	5	10	525	505	10	.....	495
Troy.....	7	7	.....	13	1,167	1,159	13	.....	1,146
Utica.....	25	24	.....	76	7,531	7,564	83	.....	7,481
Yonkers.....	5	4	2	59	3,068	3,074	32	.....	3,052
Remainder of State.	353	353	60	807	57,376	56,482	807	4	55,675
9. Clothing, Millinery, Laundry, Etc.....	14,137	13,866	9,424	7,428	323,141	266,674	7,312	54	279,362
Albany.....	165	165	104	52	3,128	2,973	52	.....	2,921
Buffalo.....	380	378	283	206	6,393	5,840	206	2	5,634
New York City.....	11,534	11,305	7,502	6,192	259,304	224,663	6,073	44	218,590
Rochester.....	662	657	602	275	11,721	11,955	275	7	11,680
Schenectady.....	70	70	36	8	502	510	8	.....	503
Syracuse.....	105	103	95	78	2,813	2,775	78	.....	2,697
Troy.....	149	149	77	221	13,942	14,029	220	.....	13,809
Utica.....	47	45	20	15	1,732	1,710	22	.....	1,688
Yonkers.....	26	26	4	40	2,449	2,416	40	.....	2,376
Remainder of State.	999	988	701	341	21,157	19,803	338	1	19,465
10. Food, Liquors and Tobacco.....	8,305	8,113	4,780	5,374	118,183	109,619	5,340	15	104,279
Albany.....	186	185	155	74	1,529	1,588	74	.....	1,514
Buffalo.....	365	364	196	409	5,986	6,115	409	1	5,706
New York City.....	4,523	4,375	2,492	3,582	72,061	68,739	3,563	13	65,176
Rochester.....	231	229	152	259	3,904	3,133	259	1	2,874
Schenectady.....	70	70	48	4	274	278	4	.....	274
Syracuse.....	126	123	108	167	1,836	1,799	167	.....	1,632
Troy.....	96	96	44	39	774	788	39	.....	749
Utica.....	59	59	36	12	495	504	12	.....	492
Yonkers.....	38	37	14	47	1,434	1,442	47	.....	1,395
Remainder of State.	2,606	2,575	1,535	781	29,890	28,233	766	.....	24,467

*Includes 6 children under

INDUSTRY, YEAR ENDED SEPTEMBER 30, 1907 — Continued.

OF EMPLOYEES AT TIME OF INSPECTION.								WEEKLY HOURS OF LABOR.				Children under 14 years (in shop except as noted).
SHOP FORCE.								NUMBER EMPLOYEES (IN SHOPS) WHO WORK—				
Number in Shops Employing—			Sex and Age.					51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.	
1-19.	20-199.	200+.	Men (18 yrs. +).	Y'ths (16-18 yrs.).	Boys (14-16 yrs.).	Women (16 yrs. +).	Girls (14-16 yrs.).					
967	8,850	5,447	14,185	114	20	935	10	4,057	1,320	3,502	6,385	....
.....	51	.....	35	.....	.....	15	1	.....	.....	51	.....	.....
10	79	.....	64	3	.....	21	1	.....	.....	89	.....	.....
240	644	337	861	17	11	329	3	7	103	1,028	83	.....
.....	26	.....	25	1	.....	.....	.....	.....	8	44	25	.....
17	115	.....	117	.....	.....	15	.....	.....	.....	1	80	.....
700	7,935	5,110	13,083	93	9	555	5	4,050	1,209	2,289	6,197	.....
15,631	42,409	27,740	53,730	2,181	880	27,952	1,037	22,576	52,701	10,162	341	17
250	1,014	845	1,455	8	11	618	17	1,438	413	258	.....	.....
532	2,212	2,311	2,677	162	108	2,007	101	748	2,258	2,049	.....	1
10,728	30,930	21,733	40,350	1,552	508	20,237	744	17,043	42,353	3,945	50	7
896	2,454	385	1,939	69	41	1,145	41	569	2,640	26	.....	.....
46	204	.....	183	2	3	62	.....	136	96	18	.....	.....
285	637	.....	530	72	25	269	26	208	627	87	.....	.....
124	744	.....	579	38	22	233	6	186	414	278	.....	.....
57	125	.....	124	4	7	44	3	49	76	57	.....	.....
50	53	.....	86	7	1	9	.....	103	.....	.....	.....	.....
3,153	4,036	2,466	5,807	267	154	3,328	99	2,096	3,824	3,444	291	9
3,997	33,845	59,399	39,763	2,029	1,145	52,264	2,040	1,944	31,657	62,919	721	3
13	96	602	131	1	2	562	15	.....	27	684	.....	.....
22	298	242	115	6	11	389	41	8	111	443	.....	.....
3,449	11,787	12,018	9,892	536	197	15,842	787	1,634	19,093	6,493	34	3
.....	417	236	95	2	3	539	14	.....	493	160	.....	.....
.....	212	.....	83	.....	1	128	.....	.....	1	211	.....	.....
12	483	.....	93	9	2	360	31	.....	33	462	.....	.....
2	197	947	378	31	9	713	15	.....	55	1,091	.....	.....
16	738	6,727	2,928	145	128	4,084	196	.....	307	7,174	.....	.....
8	49	2,995	1,304	76	.....	1,671	1	.....	3,050	2	.....	.....
475	19,568	35,632	24,744	1,223	792	27,976	940	302	8,487	46,199	687	.....
62,835	163,162	53,365	125,996	1,547	600	148,911	2,308	23,695	173,418	79,525	2,724	*50
723	1,138	1,060	552	4	7	2,269	89	8	1,018	1,895	.....	.....
1,575	4,059	.....	1,678	53	36	3,821	46	902	3,642	1,089	1	2
51,795	139,651	27,144	107,248	951	316	108,446	1,629	20,319	138,454	57,253	2,564	*37
3,492	5,271	2,917	4,586	128	48	6,757	161	246	10,295	1,124	15	5
270	232	.....	156	.....	.....	337	9	.....	221	243	38	.....
534	1,644	519	699	14	15	1,903	66	31	2,083	583	.....	.....
468	1,916	11,425	3,180	166	56	10,329	78	193	8,082	5,534	.....	.....
213	726	749	874	13	7	781	13	17	551	1,120	.....	.....
75	415	1,886	1,606	103	25	624	18	362	1,962	47	5	.....
3,690	8,110	7,665	5,417	115	90	13,644	199	1,617	7,110	10,637	101	5
27,414	40,550	36,315	69,498	1,046	466	32,589	680	16,461	30,105	51,291	6,422	33
583	726	205	1,124	13	12	351	14	645	302	567	.....	.....
1,341	2,754	1,611	4,538	81	27	1,038	22	583	1,710	3,287	126	.....
15,117	23,779	26,280	42,531	450	113	21,714	368	11,369	22,484	28,568	2,755	17
742	1,500	632	1,636	25	12	1,182	19	286	913	1,675	.....	3
274	.....	.....	243	1	6	21	3	80	3	191	.....	.....
399	951	382	1,200	16	20	371	25	513	303	783	33	.....
376	373	.....	680	23	20	26	.....	348	196	198	7	.....
259	233	.....	464	7	21	60	.....	219	33	240	.....	2
160	.....	1,226	1,382	12	.....	1	.....	8	25	127	1,235	.....
8,154	10,234	6,079	15,760	418	235	7,825	229	2,410	4,136	15,655	2,266	11
14 years in office.												

TABLE II.—STATISTICS OF FACTORIES INSPECTED IN EACH

INDUSTRY GROUPS WITH FIRST AND SECOND CLASS CITIES UNDER EACH	Number of inspec- tions.	Places in- spec- ted.	Number of owners at work.	LARGEST NUMBER OF EMPLOYEES.		NUMBER			
				Office.	Shop.	Grand total.	OFFICE FORCE.		Total.
							Total.	14- 16 yrs.	
1. Water, Light and Power	629	625	9	328	9,788	9,619	327		9,292
Albany.....	9	9		12	99	111	12		99
Buffalo.....	7	7		9	253	252	9		243
New York City.....	253	254	3	183	6,629	6,403	182		6,221
Rochester.....	8	8	1		189	189			189
Schenectady.....	2	2		2	32	34	2		32
Syracuse.....	5	5		4	240	244	4		240
Troy.....	7	7		6	73	57	6		51
Utica.....	3	3			110	110			110
Yonkers.....	1	1		1	61	62	1		61
Remainder of State.....	332	329	5	111	2,102	2,157	111		2,046
2. Building Industry	141	140	76	39	1,301	1,198	39		1,139
Albany.....	2	2			7	7			7
Buffalo.....	6	6	6	1	30	28	1		27
New York City.....	65	65	37	10	504	424	10		414
Rochester.....	24	23	11	16	364	377	16		361
Troy.....	21	21	13	4	122	108	4		104
Utica.....	1	1	1		2	2			2
Remainder of State.....	22	22	8	8	272	252	8		244
and Total.....	40,792	40,118	22,459	53,586	1,200,727	1,139,788	53,233	417	1,086,535
Albany.....	575	574	347	517	13,535	13,586	517		13,069
Buffalo.....	1,583	1,577	876	4,557	64,642	64,726	4,529	16	60,197
New York City.....	27,233	26,700	15,250	32,630	668,984	618,245	32,353	320	585,892
Rochester.....	1,507	1,498	1,017	2,238	45,880	45,755	2,238	20	43,517
Schenectady.....	204	204	107	2,023	22,234	24,257	2,023	17	22,234
Syracuse.....	519	508	461	1,139	20,526	20,519	1,136	7	19,383
Troy.....	451	451	206	548	22,318	22,520	547	1	21,973
Utica.....	229	224	94	240	12,997	12,912	276		12,636
Yonkers.....	119	117	25	360	9,951	9,969	323		9,646
Remainder of State.....	8,372	8,259	4,076	9,334	319,660	307,299	9,291	36	298,008

*Includes 6 children

INDUSTRY, YEAR ENDED SEPTEMBER 30, 1907 — Concluded.

OF EMPLOYEES AT TIME OF INSPECTION.								WEEKLY HOURS OF LABOR.				Children under 14 years (in shop except as noted).
SHOP FORCE.								NUMBER EMPLOYEES (IN SHOPS) WHO WORK—				
Number in Shops Employing—			Sex and Age.					51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.	
1-19.	20-199.	200+.	Men (18 yrs. +).	Y'ths (16-18 yrs.).	Boys (14-16 yrs.).	Women (16 yrs. +).	Girls (14-16 yrs.).					
2,640	3,900	2,752	9,286	4	1		1	1,502	2,430	2,122	3,238	....
29	70		99					51		36	12	
28	215		243					13	5	31	194	
1,069	2,400	2,762	6,219	2				1,126	1,878	1,639	1,578	
39	150		189					20	83	2	84	
6	26		32						6	26		
20	220		240							4	236	
25	26		51					5	26	18	2	
10	100		110							10	100	
	61		60		1					1	60	
1,414	632		2,043	2			1	287	432	355	972	
656	503		1,145	7	2		5	904	141	114		
7			7					7				
27			25	1	1			17	6	4		
296	118		407	2			5	319	52	43		
89	272		360		1			353	5	3		
104			104					91	4	9		
2			2							2		
181	113		240	4				117	74	53		
171,125	505,409	410,021	745,032	18,107	6,542	309,505	7,369	103,973	506,434	440,618	35,530	*136
2,260	5,270	5,539	8,789	66	62	4,014	138	2,256	5,657	5,144	12	1
6,122	25,120	28,955	47,841	1,562	546	9,981	267	3,296	20,824	33,828	2,249	4
119,849	307,124	158,919	378,686	8,632	2,744	191,617	4,213	78,306	339,216	160,368	8,002	*82
6,713	22,366	14,438	27,641	1,109	398	13,949	420	2,434	30,262	10,697	124	8
716	1,584	19,934	19,970	157	51	2,038	18	310	20,786	1,100	38	
2,289	8,513	8,581	14,583	439	195	3,964	202	892	6,903	11,115	473	1
1,648	5,091	15,234	10,094	296	110	11,374	99	1,089	9,952	10,830	102	
915	3,495	8,226	6,970	202	172	5,068	224	304	1,103	11,129	100	2
479	1,168	7,999	6,668	249	33	2,676	20	599	7,372	343	1,332	1
30,134	125,678	142,196	223,790	5,395	2,231	64,924	1,768	14,487	64,359	196,064	23,098	37

under 14 years in office.

TABLE III.—NUMBER, AGE AND SEX OF PERSONS REPORTED INJURED IN

CAUSE.	ALL AGES					
	Under 16 years.		16-18 years.		18 years and upward.	
	M.	F.	M.	F.	M.	F.
[n. e. s.—Not elsewhere specified.]						
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, fly-wheels).....			4		166	1
Air fans, steam pumps, etc.....					28	
Gearing.....	4	1	34	6	342	32
Set screws.....	1		4		53	6
Shafting.....	2		4		81	6
Belts and pulleys.....	7		31	5	374	10
Conveying and hoisting machinery:						
Elevators and lifts.....	15	2	46	2	257	8
Cranes (steam, electric, portable, etc.).....			3		150	
Hoisting and conveying apparatus, n. e. s.....	3		18	6	1,090	3
Locomotives and trains.....			8		242	
Wood working machines:						
Saws.....	8		48		691	1
Planers.....			9		128	
Jointers.....			4		128	
Shapers.....	1		1		62	
Lathes.....			1		15	
Heading machines.....					2	
Other wood working machines.....	1		18		122	2
Paper and printing machinery:						
Barkers.....			4		38	
Calendars and other paper making machines.....			21	1	256	6
Paper cutting, stitching and staying machines.....		4	39	18	112	59
Printing presses.....	7		32	5	80	13
Textile machinery:						
Picking machines.....			2		30	4
Carding machines.....	2		9	3	55	4
Spinning machines.....	1		7	7	21	23
Looms.....	2		3	3	34	54
Formers, knitting machines and other textile machinery.....	8	3	15	11	114	47
Sewing machines, etc.....	1		5	10	26	28
Laundry machines.....	2		1	5	17	11
Leather working machinery.....			10		82	13
Metal working machinery:						
Stamping machines.....	12	2	112	37	550	99
Drilling and milling machines.....	2		46	3	376	5
Screw machines.....			8		46	
Lathes.....	1		15		139	
Drop and steam hammers.....	1		3		148	2
Shears.....	1		9	1	106	
Rollers.....			2		149	
Others.....	2	1	44	10	454	19
Polishing machines:						
Contact with grindstones, emery wheels, etc.....	4		15		159	
Struck by fragments of polishing wheels.....	1		13		141	
Others.....	1		9		95	1
Machines used in bakeries, confectionery establishments, etc.....	1		5	2	39	3
Machines, n. e. s.....	26		37	10	364	26
Total.....	98	13	609	145	7,562	486

¹ Including tunnel construction after June 3, 1907.

* Includes one age not stated.

† Includes two ages not stated.

‡ Includes three ages not stated.

FACTORIES AND QUARRIES,¹ YEAR ENDED SEPTEMBER 30, 1907.

DENTS.					PERMANENTLY DISABLED.					
Age not reported.		All ages.								
M.	F.	M.	F.	Total.	Under 16 years.	16-18 years.	18 years +.	M.	F.	Total.
.....	170	1	171	.....	1	24	25	.....	25
.....	28	.....	28	.....	.....	8	8	.....	8
1	381	39	420	1	20	120	130	11	141
.....	58	6	64	.....	.....	4	4	.....	4
1	88	6	94	.....	.....	7	9	.....	9
.....	412	15	427	2	6	39	43	4	47
3	321	12	333	2	.....	27	28	3	†31
.....	153	.....	153	.....	.....	24	24	.....	24
3	1,114	9	1,123	.....	1	144	144	2	*146
1	251	.....	251	.....	1	40	41	.....	41
5	752	1	753	3	16	244	266	.....	†266
.....	137	.....	137	.....	2	67	69	.....	69
1	133	.....	133	.....	3	88	92	.....	*92
.....	64	.....	64	1	1	25	27	.....	27
.....	16	.....	16	.....	.....	5	5	.....	5
1	2	.....	2	.....	.....	.....	.....	.....	.....
1	142	2	144	1	6	34	39	2	41
.....	42	.....	42	.....	2	17	19	.....	19
1	278	7	285	.....	5	42	47	.....	47
.....	153	81	234	.....	14	54	49	19	68
1	3	120	21	141	3	6	22	27	5	*32
.....	32	4	36	.....	.....	8	8	.....	8
1	67	7	74	.....	5	18	20	3	23
1	30	30	60	1	2	7	6	4	10
.....	39	57	96	1	3	5	5	4	9
2	139	61	200	5	4	33	33	10	*43
.....	1	33	38	71	.....	1	5	5	1	6
.....	20	16	36	.....	1	6	3	4	7
.....	92	13	105	.....	1	31	28	4	32
3	1	677	139	816	9	78	316	352	53	†405
1	425	8	433	.....	10	65	73	2	75
.....	54	.....	54	.....	2	6	8	.....	8
1	156	.....	156	.....	4	24	29	.....	*29
2	154	2	156	.....	.....	37	36	1	37
.....	116	1	117	.....	5	36	41	.....	41
.....	151	.....	151	.....	1	15	16	.....	16
1	501	30	531	.....	22	89	108	4	*112
1	179	.....	179	.....	5	28	33	.....	33
1	155	.....	155	.....	1	10	12	.....	*12
1	106	1	107	.....	.....	12	12	.....	12
1	1	46	6	52	1	3	14	19	.....	*19
2	409	36	445	1	9	74	81	4	*85
37	6	28,397	649	29,046	32	242	1,874	2,024	140	††2,164

†† Includes sixteen age not stated.

‡ Includes four age not stated.

† Includes twenty age not stated.

a Includes one not an employee.

TABLE III.—NUMBER, AGE AND SEX OF PERSONS REPORTED

CAUSE. [n. e. s.—Not elsewhere specified.]	ALL ACCI					
	Under 16 years.		16-18 years.		18 years and upward.	
	M.	F.	M.	F.	M.	F.
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.).....			2	2	59	1
Explosion of gases.....				1	82	3
Explosion of boilers and steam pipes.....			2	1	58	
Other injuries from steam and hot liquids.....			2	1	216	1
Caustics.....	1		1		109	1
Explosion of molten metals.....			2		50	
Other accidents from molten metal.....	1		7		343	1
Vats, pans, etc. (containing hot liquids or caustics).....			1		48	
Electricity.....			3	1	226	1
Fire and heat, n. e. s.....	3		12		326	6
Total.....	5		32	7	1,517	14
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.....			9		274	2
Fall from machinery, trucks, engines, etc.....			7		212	
Fall caused by collapse of support.....			6		209	1
Fall through opening in floor.....			2		106	1
Fall in hoistway, shaft, etc.....			6		44	
Fall on stairs, steps, etc.....	1	1	4	2	66	11
Fall on level by slipping.....			9	3	84	14
Fall on level by tripping.....	2		3	2	100	8
All others..... by tripping.....	3		15	1	311	7
Total.....	7	1	61	8	1,406	44
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.).....			2		178	
Falling pile of material (lumber, coal, cement, etc.).....	1		2		228	
Falling walls, doors and other objects.....	3		13	2	923	6
Tools or weights dropped by person injured.....			3		249	
Falling objects dropped by other persons.....	1		4		71	
Heavy materials or parts on which injured persons were at work.....	1		6		332	
Machinery being moved.....			4		180	
Fall of material from trucks in transit.....			1		161	
Handling of castings, flasks, etc.....			13		577	
Handling of stone, ore, etc.....			3		128	
Handling of lumber, paper and other materials.....			9	1	256	2
Loading or unloading.....			8		578	
Cause insufficiently described for classification.....			5		152	1
Total.....	6		73	3	4,013	9
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.....	2		9		507	4
Other.....			2		212	5
Total.....	2		11		719	9
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.						
	2	1	11	1	405	2
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.).....	2		28	2	496	11
Tools in hands of fellow workmen.....			3		159	
Injured while fitting and assembling, n. e. s.....	1		7	1	217	1
Hand caught on nail, wire, sharp projection, etc.....	1		14	5	336	6
Hand cut on glass.....	1		5	1	37	4
Injured by stepping on nail, silver, etc.....	1		12	3	248	12
Inhalation of poisonous gases.....					26	
All other causes.....	3		15	2	310	6
Total.....	9		84	14	1,829	40
GRAND TOTAL.....	129	15	971	178	17,451	604

*Including tunnel construction after June 3, 1907.

*Includes one age not stated.

†Includes two age not stated.

‡Includes three age not stated.

INJURED IN FACTORIES AND QUARRIES¹ — Concluded.

DENTS.					PERMANENTLY DISABLED.					
Age not reported.		All ages.								
M.	F.	M.	F.	Total.	Under 16 years.	16-18 years.	18 years +.	M.	F.	Total.
2		63	3	66			14	14		14
		82	4	86			3	2	1	3
		60	1	61			2	2		2
		218	2	220			2	2		2
		111	1	112			1	1		1
1		53		53			4	4		4
1		352	1	353			3	3		3
		49		49						
		229	2	231			6	6		6
1		342	7	349			5	5		5
5		1,559	21	1,580			40	39	1	40
		283	2	285			19	19		19
1		220		220			13	13		13
1		217		217			8	8		8
		108	1	109			4	4		4
3		54		54			6	6		6
		71	14	85		1	1	2		2
		93	17	110			3	3		3
1		106	10	116			9	7	2	9
2		331	8	339		2	18	20		20
8		1,483	52	1,535		3	81	82	2	84
		180		180		1	13	14		14
		231		231			8	8		8
5		944	8	952			48	47	1	48
1		253		253			4	4		4
		76		76			2	2		2
1		340		340		1	23	25		*25
		184		184			22	22		22
		162		162			15	15		15
1		591		591			51	52		*52
1		132		132		1	12	14		*14
		265	3	268		1	16	15	2	17
1		587		587		2	36	39		*39
		157	1	158			19	19		19
10		4,102	12	4,114		6	269	276	3	279
1		519	4	523	1		58	58	1	59
		214	5	219			5	5		5
1		783	9	792	1		63	63	1	64
1		419	4	423			21	21		21
3		529	13	542		1	18	19		19
1		163		163			18	18		18
1		226	2	228	1		14	15		15
		351	9	360			8	8		8
		43	7	50		1	1	1	1	2
2		263	15	278						
1		27		27						
7		335	8	343			19	19		19
15		1,937	54	1,991	1	2	78	80	1	81
77	6	18,630	801	19,431	34	253	2,426	2,585	148	2,733

††Includes sixteen age not stated.

‡Includes four age not stated.

‡‡Includes twenty age not stated.

s Includes one not an employee.

TABLE IV.—NATURE AND EXTENT OF INJURIES SUSTAINED FROM

CAUSE. [n. e. s.—not elsewhere specified.]	TEMPORARY					
	Lacerations.	Burns.	Cuts.	Bruises.	Sprains.	Fractures.
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, flywheels).....	40	4	25	22	2	0
Air fans, steam pumps, etc.....	2	.....	7	3	.....	2
Gearing.....	131	.....	34	27	.....	2
Set screws.....	16	.....	8	9	4	1
Shafting.....	11	.....	3	12	1	.....
Belts and pulleys.....	65	7	70	43	18	31
Conveying and hoisting machinery:						
Elevators and lifts.....	37	.....	14	79	10	20
Cranes (steam, electric, portable, etc.).....	16	1	7	37	6	8
Hoisting and conveying apparatus, n. e. s.....	193	10	75	272	30	48
Locomotives and trains.....	16	2	5	41	2	15
Wood working machines:						
Saws.....	211	1	94	20	1	7
Planers.....	18	.....	22	7	.....	2
Jointers.....	9	.....	18	1	.....	.....
Shapers.....	14	.....	14	.....	.....	.....
Lathes.....	2	.....	.....	2	.....	.....
Heading machines.....	.....	.....	.....	1	.....	.....
Other wood working machines.....	34	1	29	4	2	.....
Paper and printing machinery:						
Barkers.....	1	.....	10	1	.....	.....
Calendars and other paper making machines.....	58	13	22	42	5	3
Paper cutting, stitching and staying machines.....	60	.....	24	26	3	2
Printing presses.....	37	.....	10	23	.....	6
Textile machinery:						
Picking machines.....	13	.....	2	2	.....	3
Carding machines.....	20	.....	20	2	.....	.....
Spinning machines.....	12	1	6	8	2	1
Looms.....	18	.....	28	19	1	2
Formers, knitting machines and other textile machinery.....	50	1	24	25	1	7
Sewing machines, etc.....	12	.....	24	4	.....	.....
Laundry machines.....	7	6	1	5	1	1
Leather working machinery.....	11	.....	25	9	1	3
Metal working machinery:						
Stamping machines.....	98	.....	56	43	.....	7
Drilling and milling machines.....	81	.....	98	43	8	11
Screw machines.....	8	.....	18	3	.....	1
Lathes.....	32	.....	44	18	.....	6
Drop and steam hammers.....	17	.....	19	24	4	4
Shears.....	21	.....	13	15	1	3
Rollers.....	32	18	8	24	4	6
Others.....	111	2	85	64	13	10
Polishing machines:						
Contact with grindstones, emery wheels, etc.....	49	4	32	5	.....	1
Struck by fragments of polishing wheels.....	12	.....	20	11	.....	1
Other.....	30	.....	24	11	1	3
Machines used in bakeries, confectionery establishments, etc.....	8	.....	5	4	.....	1
Machines, n. e. s.....	76	3	82	57	5	15
Total.....	1,689	74	1,125	1,068	126	243

¹ Including tunnel construction after June 3, 1907.^a Includes one not an employee.

ACCIDENTS IN FACTORIES AND QUARRIES,¹ YEAR ENDED SEPTEMBER 30, 1907.

DISABLEMENT.			Serious injuries probably per- manent.	PERMANENT DISABLEMENT.							Death.	Grand total.
Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Inter- nally.	All others.	Total.		
				Limbs.	Hands or feet	Finger- s.	Eyes.					
17	6	125	17	1	.....	19	.....	3	2	25	4	171
3	.....	18	2	.....	.....	8	.....	.....	.....	8	.....	28
13	4	211	64	4	5	120	.....	.....	12	141	4	420
13	.....	51	7	.....	.....	3	.....	1	.....	4	2	64
31	6	64	10	2	.....	1	.....	.....	6	9	11	94
79	5	318	42	5	1	20	1	2	18	47	20	427
67	3	230	38	.....	2	5	.....	8	16	31	34	333
8	4	87	36	1	4	7	.....	4	8	24	6	153
147	13	788	165	3	2	90	.....	13	38	146	24	1,123
46	3	130	48	8	7	14	.....	7	5	41	32	251
19	16	369	106	1	5	218	3	12	27	266	12	753
3	2	54	14	3	1	64	.....	.....	1	69	.....	137
1	2	31	10	.....	3	87	.....	.....	2	92	.....	133
3	.....	31	5	.....	.....	26	.....	.....	1	27	1	64
.....	.....	4	7	.....	1	3	.....	.....	1	5	.....	16
.....	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	2
9	3	82	21	.....	.....	35	1	2	3	41	.....	144
2	.....	14	9	.....	.....	16	.....	.....	3	19	.....	42
28	8	179	55	1	2	30	.....	.....	14	47	4	285
2	6	123	41	.....	2	60	.....	1	5	68	2	234
11	4	91	18	1	2	21	.....	.....	8	32	.....	141
1	1	22	5	1	1	6	.....	.....	.....	8	1	36
5	.....	47	3	3	2	13	.....	.....	5	23	1	74
10	2	42	8	.....	.....	8	.....	.....	2	10	.....	60
9	2	79	8	1	.....	5	.....	.....	3	9	.....	96
8	12	128	29	2	3	32	.....	3	3	43	.....	200
.....	23	63	2	.....	.....	4	.....	.....	2	6	.....	71
4	.....	25	4	2	1	3	.....	.....	1	7	.....	36
3	9	61	12	1	2	23	.....	.....	6	32	.....	105
9	9	222	188	.....	2	389	.....	.....	14	405	1	816
25	20	286	71	.....	.....	63	.....	4	8	75	1	433
3	3	36	9	.....	.....	8	.....	.....	.....	8	1	54
5	5	110	16	.....	.....	21	2	1	5	29	1	156
5	3	76	43	.....	.....	33	.....	1	3	37	.....	156
3	2	58	18	.....	.....	36	.....	.....	5	41	.....	117
22	2	116	18	2	.....	9	.....	.....	5	16	1	151
28	20	333	86	1	2	93	3	1	12	112	.....	531
4	17	112	34	.....	.....	28	.....	.....	5	33	.....	179
13	64	121	20	.....	.....	3	4	.....	5	12	3	156
5	6	80	15	.....	.....	8	.....	1	3	12	.....	107
2	1	21	9	1	1	13	.....	.....	4	19	3	52
641	16	6295	63	1	2	63	.....	4	15	85	2	6445
6707	302	65,334	1,377	45	53	1,708	14	68	276	2,164	171	69,046

TABLE IV.—NATURE AND EXTENT OF INJURIES SUSTAINED FROM

CAUSE. [n. e. s.—not elsewhere specified.]	TEMPORARY					
	Lacerations.	Burns.	Cuts.	Brui ses.	Sprains.	Fractures.
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.).....	2	6	2	6	.....	.....
Explosion of gases.....	1	6	.....	.....	.....	.....
Explosion of boilers and steam pipes.....	1	28	5	1	1	2
Other injuries from steam and hot liquids.....	.....	195	.....	.....	.....	.....
Caustics.....	.....	92	.....	1	.....	.....
Explosion of molten metals.....	1	39	1	1	.....	.....
Other accidents from molten metal.....	.....	294	.....	1	.....	.....
Vats, pans, etc. (containing hot liquids or caustics).....	.....	38	1	.....	.....	.....
Electricity.....	1	156	1	.....	1	.....
Fire and heat, n. e. s.....	.....	299	1	1	.....	.....
Total.....	6	1,211	12	10	2	2
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.....	15	.....	11	47	51	23
Fall from machinery, trucks, engines, etc.....	6	.....	11	47	44	28
Fall caused by collapse of support.....	11	4	10	40	34	21
Fall through opening in floor.....	2	3	4	22	19	11
Fall in hoistway, shaft, etc.....	2	.....	1	6	2	5
Fall on stairs, steps, etc.....	2	.....	6	18	18	12
Fall on level by slipping.....	8	.....	21	16	29	14
Fall on level by tripping.....	10	1	15	19	26	11
All others.....	51	2	40	50	54	24
Total.....	106	10	119	265	277	149
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.).....	21	.....	13	56	2	15
Falling pile of material (lumber, coal, cement, etc.).....	32	.....	16	83	5	17
Falling walls, doors and other objects.....	203	3	109	359	8	44
Tools or weights dropped by person injured.....	70	2	21	116	4	10
Falling objects dropped by other persons.....	20	.....	15	28	.....	3
Heavy materials or parts on which injured persons were at work.....	76	2	25	120	14	12
Machinery being moved.....	41	.....	20	54	6	7
Fall of material from trucks in transit.....	30	.....	7	67	6	4
Handling of castings, flasks, etc.....	137	1	38	181	47	37
Handling of stone, ore, etc.....	24	1	14	37	9	12
Handling of lumber, paper and other materials.....	52	.....	20	82	27	19
Loading or unloading.....	124	2	37	227	36	28
Cause insufficiently described for classification.....	33	.....	7	43	15	4
Total.....	873	11	342	1,453	179	212
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.....	11	28	56	17	.....	.....
Other.....	55	4	92	23	.....	3
Total.....	66	32	148	40	.....	3
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.....						
86	.....	16	153	20	.....	25
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.).....	125	2	212	109	6	8
Tools in hands of fellow workmen.....	47	1	31	38	.....	5
Injured while fitting and assembling, n. e. s.....	42	4	51	56	13	7
Hand caught on nail, wire, sharp projection, etc.....	97	.....	134	14	.....	1
Hand cut on glass.....	5	.....	40	.....	.....	.....
Injured by stepping on nail, sliver, etc.....	106	.....	38	3	7	.....
Inhalation of poisonous gases.....	.....	.....	.....	.....	1	.....
All other causes.....	35	2	42	43	65	10
Total.....	457	9	548	263	92	31
GRAND TOTAL.....	3,283	1,347	2,310	3,252	696	665

a Includes one not an employee.

* Includes one nature of injury not reported.

† Includes three nature of injuries not reported.

ACCIDENTS IN FACTORIES AND QUARRIES—Concluded.

DISABLEMENT.			Serious injuries probably per- manent.	PERMANENT DISABLEMENT.							Death.	Grand total.
Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Inter- nally.	All others.	Total.		
				Limbs	Hands or feet.	Finger- s.	Eyes.					
14 5 6 7 3 1 10 28 17	..... ..... 1 2 18 2	30 72 45 202 98 43 304 38 205 320	9 3 3 13 5 45 3 2 16	2 1	1 ..... ..... ..... ..... ..... ..... ..... ..... .....	..... ..... ..... ..... ..... ..... ..... ..... 1	7 1 1 3 1 1 1	..... ..... 1 1 1	4 2 1 1 1 2 3 3	14 3 2 2 1 4 3 6 5	13 8 11 3 1 8 231 349	66 86 61 220 112 53 353 49 231 349
91	23	1,357	112	3	1	1	15	3	17	40	71	1,580
87 46 67 34 20 23 8 14 57	9 12 10 4 1 8 7 23	243 194 197 99 35 80 104 103 301	11 9 9 4 3 1 3 4 16	2 1 ..... ..... ..... ..... ..... ..... .....	..... ..... 1 ..... ..... ..... ..... ..... .....	..... ..... ..... ..... 1 1 3	..... ..... ..... ..... ..... ..... ..... ..... 3	11 5 3 1 3 10	6 8 4 4 4 1 3 5 4	19 13 8 4 6 2 3 9 20	12 4 3 2 10 2 2	285 220 217 109 54 85 110 116 339
356	74	1,356	60	3	.....	6	3	33	39	84	35	1,535
30 40 89 9 4 22 15 14 37 4 20 43 16	3 9 20 8 2 15 5 4 13 1 15 15 3	140 202 835 240 72 286 147 133 491 102 235 522 121	13 16 58 8 1 29 12 12 47 13 15 21 14	..... ..... 2 ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... .....	..... 1 2	6 4 1 2 15 12 8 27 7 7 24 12	..... ..... 1	4 1 6 3 3	4 2 21 3 7 6 12 4 5 8 2	14 8 48 4 2 25 22 15 52 14 17 39 19	13 5 10 1 3 2 4 4	180 231 *952 253 76 340 184 162 591 132 *268 *587 158
343	113	3,526	259	3	4	142	1	52	77	279	47	†4,114
8 5	230 26	350 208	114 5	.....	.....	.....	54	.....	5 3	59 5	..... 1	523 219
13	256	558	119	.....	.....	2	54	.....	8	64	1	742
56	11	367	30	.....	.....	9	.....	5	7	21	5	423
19 13 11 25 2 5 38	23 4 10 60 117 17 56	504 139 194 331 45 273 23 291	19 6 19 21 3 5 23	.....	.....	.....	12 6 12 5 1 5	2 6 1 1	5 6 3 3 1 6	19 18 15 8 2 19	..... ..... ..... ..... ..... ..... 4 10	542 163 228 360 50 278 27 343
113	237	1,800	96	.....	.....	41	3	13	24	81	14	1,991
61,679	1,066	614,298	2,053	54	58	1,909	90	174	448	2,733	344	†619,431

TABLE V.—NUMBER AND PERCENTAGE OF UNEMPLOYED MEMBERS OF

INDUSTRIES OR GROUPS OF TRADES.	Un-ions.	MEMBERS REPORTING.					
		July.	Aug.	Sept.	Oct.	Nov.	Dec.
1. Building, Stone Working, Etc.....	54	30,507	29,210	29,742	30,899	30,803	30,685
Stone working.....	2	726	850	829	827	835	837
Building and paving trades.....	*47	27,208	25,884	26,436	27,758	27,660	27,541
Building and street labor.....	5	2,573	2,467	2,477	2,314	2,308	2,307
2. Transportation.....	37	18,045	18,364	17,439	16,970	16,902	16,875
Railways.....	25	6,145	6,414	6,329	6,435	6,332	6,360
Navigation.....	2	4,275	4,270	4,275	4,275	4,375	4,375
Teaming and cab driving.....	5	3,625	3,700	3,925	3,635	3,660	3,535
Freight handling.....	4	1,400	1,380	1,410	1,425	1,385	1,355
Telegraphs.....	1	2,600	2,600	1,500	1,200	1,250	1,250
3. Clothing and Textiles.....	19	11,932	11,999	10,801	11,247	11,186	11,202
Garments.....	12	8,798	8,914	7,732	8,261	8,122	8,134
Hats, caps and furs.....	3	955	975	955	941	994	980
Boots, shoes and gloves.....	2	1,825	1,746	1,860	1,800	1,775	1,800
Textiles.....	2	354	364	264	245	295	288
4. Metals, Machinery and Shipbuilding	26	10,002	10,119	9,903	9,753	9,549	9,363
Iron and steel.....	22	8,757	8,865	8,620	8,552	8,375	8,196
Metals other than iron and steel.	3	628	634	663	551	524	517
Shipbuilding.....	1	617	620	620	650	650	650
5. Printing, Binding, Etc.....	3	7,243	7,236	7,323	7,160	7,113	7,088
6. Wood Working and Furniture.....	10	3,424	3,438	3,445	3,415	3,229	3,189
7. Food and Liquors.....	12	4,306	4,279	4,300	4,301	4,342	4,389
Food products.....	7	1,748	1,736	1,716	1,722	1,766	1,821
Beverages.....	5	2,558	2,543	2,584	2,579	2,576	2,568
8. Theatres and Music.....	3	1,475	1,481	1,457	1,520	1,553	1,554
9. Tobacco.....	6	3,291	3,290	3,292	3,252	3,264	3,249
10. Restaurants and Retail Trade.....	8	2,724	2,695	2,830	2,557	2,664	2,684
Hotels and restaurants.....	6	2,540	2,513	2,645	2,409	2,530	2,550
Retail trade.....	2	184	182	185	148	134	134
11. Public Employment.....	2	2,248	2,251	2,251	2,263	1,954	2,012
12. Stationary Engine Men.....	5	3,372	3,299	3,146	3,490	3,256	3,256
13. Miscellaneous.....	9	2,396	2,364	2,295	2,294	2,253	2,186
Paper and paper goods.....	2	601	573	487	525	519	515
Barbering.....	3	791	798	816	802	811	797
Leather and leather goods.....	1	172	170	169	167	166	166
Glass and glassware.....	2	548	539	545	530	536	510
Other trades.....	1	286	284	278	270	221	198
Total.....	†194	100,965	100,025	98,224	99,121	98,068	97,732

* 46 in August and September.

† 193 in August and September.

REPRESENTATIVE TRADE UNIONS, OCTOBER-DECEMBER, 1907.

NUMBER IDLE.						PERCENTAGE IDLE.					
July.	Aug.	Sept.	Oct.	Nov.	Dec.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
3,468	5,401	5,383	7,765	10,011	12,910	11.4	18.8	18.1	25.1	32.5	42.1
18	301	236	204	272	476	2.5	35.0	28.5	24.7	32.6	56.9
3,143	4,786	4,933	6,786	8,889	11,845	11.6	18.6	18.7	24.4	32.1	41.2
307	316	214	776	850	1,089	11.9	12.8	8.6	33.5	36.8	47.2
719	3,263	2,273	2,231	1,985	6,493	4.0	17.8	13.0	13.1	11.7	38.5
193	196	167	186	238	458	3.1	3.1	2.6	2.9	3.8	7.1
100	75	104	100	175	4,205	2.3	1.8	2.4	2.3	4.0	96.1
251	277	577	925	952	1,050	6.9	7.5	14.7	25.4	26.7	29.7
175	115	245	245	435	435	12.5	8.3	16.0	17.2	17.7	32.1
.....	2,600	1,200	775	375	350	0.0	100.0	80.0	64.6	30.0	28.0
1,843	846	1,161	3,991	4,067	4,886	15.4	7.1	10.7	35.5	26.4	43.6
1,788	799	1,091	3,955	3,876	4,545	20.3	9.0	14.1	47.9	47.7	55.9
28	29	56	29	92	147	2.9	3.0	5.9	3.1	9.3	15.0
25	14	14	5	39	54	1.4	0.8	0.8	0.8	2.2	3.0
2	4	.....	2	60	140	0.6	1.1	0.0	0.8	20.8	48.6
537	746	1,185	1,562	2,358	2,892	5.4	7.4	12.0	16.0	24.7	30.9
445	646	1,085	1,465	1,999	2,886	5.1	7.3	12.6	17.1	23.9	29.1
25	30	25	47	109	156	4.0	4.7	8.8	8.5	20.8	30.2
67	70	75	50	250	350	10.9	11.3	12.1	7.7	38.5	53.8
834	746	888	882	829	786	11.5	10.3	12.1	12.3	11.7	11.1
372	393	321	796	773	890	10.9	11.4	9.3	23.3	23.9	27.9
228	281	357	391	392	443	5.3	6.6	8.3	9.1	9.0	10.1
208	245	233	253	256	300	11.9	14.1	13.6	14.7	14.5	16.5
20	36	124	138	136	143	0.8	1.4	4.8	5.4	5.3	5.6
103	60	64	69	68	68	7.0	4.0	4.4	4.5	4.4	4.4
215	144	160	112	579	1,788	6.5	4.4	4.9	3.4	17.7	55.0
158	83	126	293	277	408	5.8	3.1	4.5	11.5	10.4	15.2
156	52	125	292	276	407	6.1	2.1	4.7	12.1	10.9	16.0
2	31	1	1	1	1	1.1	17.0	0.6	0.7	0.7	0.7
16	20	52	17	12	17	0.7	0.9	2.3	0.8	0.6	0.8
46	42	41	59	93	104	1.4	1.3	1.3	1.7	2.9	3.2
46	110	78	128	180	232	1.9	4.7	3.4	5.6	6.7	10.6
.....	.....	.....	.....	.....	.....	0.0	0.0	0.0	0.0	0.0	0.0
12	15	25	28	20	26	1.5	1.9	3.1	3.5	2.5	3.3
22	25	15	47	66	66	12.8	14.7	8.9	28.1	39.8	39.8
.....	60	26	45	50	70	0.0	11.1	4.8	8.5	9.3	13.7
12	10	12	8	14	70	4.2	3.5	4.3	3.0	6.3	35.4
8,585	12,135	12,089	18,296	21,596	31,917	8.5	12.1	12.3	18.5	22.0	32.7

TABLE VI.—CAUSES OF IDLENESS AMONG MEMBERS OF

INDUSTRIES OR GROUPS OF TRADES.	LABOR DISPUTES.					
	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1. Building, Stone Working, Etc.....	20					
Stone working.....						
Building and paving trades.....	20					
Building and street labor.....						
2. Transportation.....		2,611	1,200	776	375	350
Railways.....		11		1		
Navigation.....						
Teaming and cab driving.....						
Freight handling.....						
Telegraphs.....		2,600	1,200	775	375	350
3. Clothing and Textiles.....	1,490	350	17	180	155	175
Garments.....	1,490	350		180	155	175
Hats, caps and furs.....			17			
Boots, shoes and gloves.....						
Textiles.....						
4. Metals, Machinery and Shipbuilding.....	9	13	56	9	8	16
Iron and steel.....	9	13	56	9	5	13
Metals other than iron and steel.....					3	3
Shipbuilding.....						
5. Printing, Binding, Etc.....	245	169	124	28	17	14
6. Wood Working and Furniture.....	30					35
7. Food and Liquors.....			3	2		
Food products.....			3	2		
Beverages.....						
8. Theatres and Music.....						
9. Tobacco.....	100					
10. Restaurants and Retail Trade.....						
Hotels and restaurants.....						
Retail trade.....						
11. Public Employment.....						
12. Stationary Engine Men.....			1	11	2	2
13. Miscellaneous.....						
Paper and paper goods.....						
Barbering.....						
Leather and leather goods.....						
Glass and glass ware.....						
Other trades.....						
Total.....	1,894	3,143	1,401	1,006	557	592

REPRESENTATIVE TRADE UNIONS, OCTOBER-DECEMBER, 1907.

DISABILITY.						ALL OTHER REASONS.					
July.	Aug.	Sept.	Oct.	Nov.	Dec.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
282	318	207	290	302	350	3,166	5,083	5,176	7,475	9,709	12,560
3	1	1	4	4	5	15	300	235	200	268	471
272	302	192	288	298	345	2,851	4,483	4,741	6,499	8,591	11,000
7	15	14	.....	.....	.....	300	300	200	778	850	1,089
225	173	211	253	245	284	494	479	842	1,202	1,365	5,859
134	121	125	143	143	189	59	64	42	42	95	284
40	.....	29	10	.....	15	60	75	75	90	175	4,190
51	52	52	100	102	100	200	225	525	825	850	950
.....	.....	5	.....	.....	.....	175	115	220	245	245	435
40	64	40	53	70	80	313	432	1,104	3,758	3,842	4,631
10	27	7	19	32	40	288	422	1,084	3,756	3,689	4,330
28	29	29	27	29	29	.....	.....	10	2	63	118
.....	4	4	5	9	11	25	10	10	.....	30	43
2	4	.....	2	.....	.....	.....	.....	.....	.....	60	140
160	203	148	166	204	177	368	530	981	1,387	2,146	2,699
118	153	123	141	154	127	318	480	908	1,315	1,840	2,246
42	50	25	25	50	50	25	30	25	47	106	153
.....	.....	.....	.....	.....	.....	25	20	50	25	200	300
332	330	351	336	336	343	257	247	413	518	476	429
17	49	42	53	47	18	325	344	279	743	726	837
26	20	16	15	44	46	202	261	338	374	348	397
8	2	3	4	4	1	200	243	227	247	252	299
18	18	13	11	40	45	2	18	111	127	96	98
15	13	13	14	13	13	88	47	51	55	55	55
70	68	71	86	93	97	45	76	89	26	486	1,691
35	23	34	16	58	56	123	60	92	277	219	352
33	22	33	15	57	55	123	30	92	277	219	352
2	1	1	1	1	1	.....	30	.....	.....	.....	.....
16	20	52	17	12	17	.....	.....	.....	.....	.....	.....
15	7	2	4	8	7	31	35	38	44	85	95
16	17	22	17	25	17	30	93	56	111	125	215
2	5	10	8	8	9	10	10	15	20	12	17
2	2	.....	1	3	3	20	23	15	46	63	63
12	10	12	8	14	5	.....	60	26	45	50	70
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	65
1,249	1,305	1,209	1,320	1,457	1,505	5,442	7,687	9,479	15,970	19,582	29,820

TABLE VII.—STATISTICS OF BUILDING OPERATIONS IN THE PRINCIPAL CITIES.

(a) Buildings Authorized in New York City in October, November and December, 1906 and 1907.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS—			
	1906.	1907.	1906.	1907.	COMMENCED.		COMPLETED.	
					1906.	1907.	1906.	1907.
NEW BUILDINGS:								
Bronx.....	485	359	\$4,893,185	\$4,097,130	389	239	494	433
Brooklyn.....	2,063	1,263	14,643,329	8,900,109	1,723	876	3,047	2,633
Manhattan.....	189	132	8,902,475	10,717,040	188	125	422	320
Queens.....	1,011	728	4,294,224	3,110,003	717	540	732	727
Richmond.....	218	172	886,471	803,772	300	159	170	249
Total.....	3,966	2,654	\$33,619,684	\$27,628,054	3,317	1,939	4,865	4,362
ALTERATIONS:								
Bronx.....	175	135	\$328,895	\$139,690	178	147	206	215
Brooklyn.....	1,018	1,834	1,347,876	1,546,211	763	2,053	915	2,384
Manhattan.....	772	685	2,574,215	1,987,480	640	593	910	858
Queens.....	305	243	397,438	176,871	227	182	256	312
Richmond.....	103	148	79,099	82,249	135	148	112	153
Total.....	2,373	3,045	\$4,727,523	\$3,932,501	1,943	3,123	2,399	3,922
TOTAL OF NEW BUILDINGS AND ALTERATIONS:								
Bronx.....	660	494	\$5,222,080	\$4,236,820	567	386	700	648
Brooklyn.....	3,081	3,097	15,991,205	10,446,320	2,486	2,929	3,962	5,017
Manhattan.....	961	817	11,476,690	12,704,520	828	718	1,332	1,178
Queens.....	1,316	971	4,691,662	3,286,874	944	722	988	1,039
Richmond.....	321	320	965,570	886,021	435	307	282	402
Total.....	6,339	5,699	\$38,347,207	\$31,560,555	5,260	5,062	7,264	8,284

Number and Estimated Cost of New and Remodeled Tenement Houses Included in the Foregoing Table.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST.	
	1906.	1907.	1906.	1907.
NEW TENEMENTS:				
Bronx.....	91	78	\$2,613,200	\$2,051,500
Brooklyn.....	603	244	6,864,600	3,210,300
Manhattan.....	51	20	3,896,000	2,274,000
Queens.....	97	105	702,100	685,800
Richmond.....	1	2	5,600	20,800
Total.....	843	449	\$14,081,500	\$8,242,400
REMODELED TENEMENTS:				
Bronx.....	25	27	\$30,150	\$20,500
Brooklyn.....	134	162	92,470	118,922
Manhattan.....	478	418	900,150	743,785
Queens.....	18	25	6,610	9,330
Richmond.....	1	9	200	52,390
Total.....	656	641	\$1,029,580	\$944,927
TOTAL OF NEW AND REMODELED TENEMENTS:				
Bronx.....	116	105	\$2,643,350	\$2,072,000
Brooklyn.....	737	406	6,957,070	3,329,222
Manhattan.....	529	438	4,796,150	3,017,785
Queens.....	115	130	708,710	695,130
Richmond.....	2	11	5,800	73,190
Total.....	1,499	1,090	\$15,111,080	\$9,187,327

TABLE VII.—STATISTICS OF BUILDING OPERATIONS—(Continued).

(b) Buffalo, Rochester, Syracuse and Troy.

CITY AND PERIOD.	NEW BUILDINGS.		ADDITIONS AND REPAIRS.		ALL BUILDINGS.	
	No.	Est. cost.	No.	Est. cost.	No.	Est. cost.
BUFFALO.						
October.....	170	\$507,735	100	\$123,265	270	\$631,000
November.....	167	=586,700	97	239,300	264	=826,000
December.....	109	a 316,025	50	177,575	159	a 493,600
Oct.-December, 1907...	446	\$1,410,460	247	\$540,140	693	\$1,950,600
1906...	435	1,331,150	198	161,860	633	1,493,010
1905...	423	*1,561,845	209	239,737	632	*1,801,582
1904...	471	1,673,208	184	133,758	655	\$1,806,964
1903...	386	1,348,255	139	121,851	525	1,470,106
1902...	363	1,275,161	140	224,957	503	1,500,118
1901...	197	1,903,164	82	78,414	269	1,981,578
1900...	160	1,486,033	118	202,573	278	1,688,606
ROCHESTER.						
October.....	149	\$361,075	50	\$59,360	199	\$420,435
November.....	97	272,175	40	72,085	137	344,260
December.....	48	132,150	23	10,995	71	143,145
Oct.-December, 1907...	294	\$765,400	113	\$142,440	407	\$907,840
1906...	335	1,433,770	87	116,990	422	1,550,760
1905...	303	†1,535,727	74	75,300	377	†1,611,027
1904...	238	1,000,558	47	32,995	285	†1,033,553
1903...	125	364,605	50	316,093	175	680,698
1902...	119	900,900	43	26,382	162	927,282
1901...	144	570,002	48	88,533	192	658,535
1900...	101	201,220	35	25,240	136	226,460
SYRACUSE.						
October.....	77	*\$599,442	46	\$52,160	123	*\$651,602
November.....	64	181,750	37	51,980	101	233,730
December.....	23	*403,955	17	21,975	40	*425,930
Oct.-December, 1907...	164	\$1,185,147	100	\$126,115	264	\$1,311,262
1906...	178	670,277	99	117,245	277	787,522
1905...	119	283,150	84	223,835	203	506,985
1904...	91	406,250	67	41,990	158	448,240
1903...	59	201,000	47	27,540	106	228,540
1902...	74	342,775	54	82,590	128	425,365
1901...	65	405,380	60	31,335	125	436,715
1900...	84	677,705	87	45,253	171	722,958
TROY.						
Oct.-December, 1907...	14	\$65,700	38	\$52,425	52	\$118,125
1906...	30	203,500	43	73,585	73	277,085
1905...	17	†488,300	20	22,195	37	†510,495

*Includes a new hospital (\$180,000) and a store and office building (\$120,000).

†Includes an office building (\$300,000) and a church (\$100,000).

‡Includes a factory (\$115,000), a power-house (\$140,000) and State armory (\$300,000).

§Includes two stores (\$175,000 and \$100,000 respectively).

||Includes two college buildings (\$125,000 and \$115,000 respectively).

¶Includes a schoolhouse to cost \$90,000.

**Includes an athletic arena costing \$350,000.

***Includes an addition to a hospital (\$125,000) and a new roundhouse (\$120,000).

a Includes addition to passenger station to cost \$150,000.

TABLE VIII.—IMMIGRATION AT THE PORT OF
(Compiled by the Bureau of Immigration and

RACE OR PEOPLE.	Sex.		Total admitted.
	Male.	Female.	
1 African (Black).....	157	217	374
2 Armenian.....	678	359	1,037
3 Bohemian and Moravian.....	1,539	1,455	2,994
4 Bulgarian, Serbian, Montenegrin.....	4,993	286	5,279
5 Chinese.....	4	1	5
6 Croatian and Slovenian.....	5,760	1,887	7,647
7 Cuban.....	199	49	248
8 Dalmatian, Bosnian, Herzegovinian.....	1,234	113	1,347
9 Dutch and Flemish.....	1,397	1,018	2,415
10 East Indian.....	7	3	10
11 English.....	4,401	3,405	7,806
12 Finnish.....	638	705	1,343
13 French.....	1,757	1,418	3,175
14 German.....	12,144	9,767	21,911
15 Greek.....	11,603	593	12,196
16 Hebrew.....	15,064	12,261	27,325
17 Irish.....	3,287	3,795	7,082
18 Italian (North).....	7,086	2,767	9,853
19 Italian (South).....	21,253	12,370	33,623
20 Japanese.....	19	3	22
21 Korean.....	.....	.....	.....
22 Lithuanian.....	2,819	1,579	4,398
23 Magyar.....	7,820	4,004	11,824
24 Mexican.....	60	25	85
25 Pacific Islander.....	.....	.....	.....
26 Polish.....	6,109	8,756	24,865
27 Portuguese.....	4,479	214	4,693
28 Roumanian.....	3,562	466	4,028
29 Russian.....	5,448	556	6,004
30 Ruthenian (Rusniak).....	3,515	1,387	4,902
31 Scandinavian.....	3,307	3,459	6,766
32 Scotch.....	1,330	1,244	2,574
33 Slovak.....	4,910	2,778	7,688
34 Spanish.....	1,009	215	1,224
35 Spanish-American.....	1,101	39	1,140
36 Syrian.....	1,222	528	1,750
37 Turkish.....	1,000	29	1,029
38 Welsh.....	277	210	487
39 West Indian (except Cuban).....	90	120	210
40 Other peoples.....	406	24	430
41 Grand total.....	146,684	78,105	224,789

* The number of immigrants destined

Alabama.....	555	Indiana.....	2,055
Alaska.....	25	Indian Territory.....	78
Arizona.....	222	Iowa.....	849
Arkansas.....	79	Kansas.....	786
California.....	5,175	Kentucky.....	120
Colorado.....	1,524	Louisiana.....	448
Connecticut.....	5,459	Maine.....	553
Delaware.....	241	Maryland.....	891
District of Columbia.....	334	Massachusetts.....	10,768
Florida.....	405	Michigan.....	4,173
Georgia.....	171	Minnesota.....	1,668
Hawaii.....	17	Mississippi.....	81
Idaho.....	133	Missouri.....	3,653
Illinois.....	17,336	Montana.....	431

NEW YORK, QUARTER ENDED DECEMBER 31, 1907.*

Naturalization, Department of Commerce and Labor.)

AGE.			ILLITERACY (14 years and over).		Have been in the United States before.	Total debarred.	FOURTH QUARTER, 1906.	
Under 14 years.	14 to 44 years.	45 and over.	Can read but cannot write.	Can neither read nor write.				
45	322	7	.....	6	43	4	345	1
171	803	63	.....	278	13	2	570	2
633	2,200	161	9	35	61	8	2,104	3
105	5,063	111	1	2,195	88	694	3,059	4
.....	5	.....	.....	.....	3	.....	1	5
608	6,827	212	2	1,950	388	29	7,174	6
12	226	10	.....	.....	122	3	217	7
41	1,293	13	2	537	24	39	1,108	8
646	1,624	145	1	40	148	6	1,757	9
.....	9	1	.....	1	2	.....	15	10
1,337	5,655	814	2	35	1,355	10	5,959	11
75	1,253	15	1	10	72	3	1,780	12
320	2,634	221	1	80	612	35	2,456	13
3,697	16,961	1,253	8	1,128	1,236	85	17,749	14
329	11,754	113	.....	3,649	203	129	11,580	15
6,701	19,119	1,505	34	6,560	285	106	29,716	16
444	6,385	253	1	50	778	23	5,269	17
940	8,630	283	.....	760	759	28	13,522	18
5,970	25,176	2,477	10	13,899	2,271	225	36,873	19
1	21	.....	.....	.....	1	2	18	20
.....	.....	.....	.....	.....	.....	.....	1	21
380	3,934	84	36	2,507	56	32	4,115	22
1,501	9,941	382	.....	1,119	550	40	14,100	23
11	70	4	1	1	24	.....	14	24
.....	.....	.....	.....	.....	.....	.....	.....	25
2,609	21,715	541	235	9,184	619	101	23,016	26
121	540	32	.....	337	44	11	300	27
117	3,742	169	.....	1,578	92	19	2,716	28
178	5,738	88	4	2,585	57	22	2,326	29
242	4,532	128	9	2,351	213	31	6,132	30
651	5,834	281	2	4	548	6	6,918	31
540	1,825	209	.....	2	410	3	2,497	32
977	6,522	189	6	1,610	703	32	10,815	33
101	1,069	54	2	240	150	12	933	34
18	110	12	.....	1	43	.....	114	35
236	1,453	61	.....	776	103	20	1,203	36
13	1,014	2	.....	804	9	49	290	37
110	341	36	.....	2	71	.....	457	38
37	153	20	.....	3	59	.....	144	39
10	412	8	.....	253	16	49	405	40
29,927	184,905	9,957	367	54,570	12,231	1,858	217,768	41

to each state or territory was as follows:

Nebraska.....	876	Rhode Island.....	1,900
Nevada.....	256	South Carolina.....	26
New Hampshire.....	947	South Dakota.....	353
New Jersey.....	11,404	Tennessee.....	187
New Mexico.....	153	Texas.....	283
New York.....	89,516	Utah.....	601
North Carolina.....	97	Vermont.....	398
North Dakota.....	435	Virginia.....	527
Ohio.....	11,813	Washington.....	1,322
Oklahoma.....	83	West Virginia.....	2,119
Oregon.....	548	Wisconsin.....	3,525
Pennsylvania.....	38,835	Wyoming.....	320
Philippine Islands.....	1		
Porto Rico.....	24	Grand total.....	224,789

TABLE IX.— ACCIDENTS IN FACTORIES QUARRIES AND TUNNEL CONSTRUCTION
OCTOBER-DECEMBER, 1907.

(a) Age and Sex of Persons Injured.

CAUSE. [n. e. s.—not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +.	Age not stated.	Total.	Male.	Fe- male.
MECHANICAL POWER.							
Transmission of power:							
Motors (engines, dynamos, flywheels, etc.)			29	1	30	30	
Air fans, steam pumps, etc.			10	1	11	11	
Gearing on all machines	2	3	103		108	102	6
Set screws			9		10	9	1
Shafting		1	18	1	20	17	3
Belts and pulleys	2	8	86		96	88	8
Conveying and hoisting apparatus:							
Elevators and lifts	2	3	72	2	79	75	4
Cranes (steam, electric, portable, etc.)			23		23	23	
Hoisting and conveying machinery and apparatus, n. e. s.		4	253	2	259	259	
Locomotives and trains			63	2	65	65	
Wood working machines:							
Saws	2	9	133	3	147	147	
Planers		3	33		36	36	
Jointers or buzz planers		2	19		21	21	
Shapers			19		19	19	
Lathes			5		5	5	
Other wood working machines		1	25	1	27	27	
Paper and printing machinery:							
Barkers			14	2	16	16	
Calenders and other paper making machines		3	93	4	100	100	
Paper cutting, stitching and staying machines	1	6	50		57	33	24
Printing presses	2	15	19	1	37	34	3
Textile machinery:							
Picking machines			10	1	11	10	1
Carding machines			9		9	9	
Spinning machines		5	6		11	7	4
Looms			36		39	19	20
Formers, knitting machines and other textile machinery		5	28		33	24	9
Sewing machines, etc.	1	4	15		20	12	8
Laundry machines			8		8	3	5
Leather working machinery		3	15		18	16	2
Metal working machinery:							
Stamping machines	1	20	146	4	171	150	21
Drilling and milling machines		4	64		68	67	1
Screw machines			6		6	6	
Lathes		4	31		35	35	
Drop and power hammers		1	25		26	26	
Shears		4	26		30	29	1
Rollers		1	22		23	23	
Others	1	6	69	1	77	72	5
Polishing machines:							
Contact with grindstones, emery wheels, etc.	1	4	29		34	34	
Struck by fragments of polishing wheels		1	36	1	38	38	
Other		2	16		18	18	
Machines used in bakeries, confectionery establishments, etc.			10		10	10	
Machines not elsewhere specified	2	7	93		102	97	5
Total	17	133	1,776	27	1,953	1,822	131
HEAT AND ELECTRICITY.							
Explosives (powder, dynamite, etc.)		1	24		25	25	
Explosion and ignition of gases		1	32		33	33	
Explosion of boilers and steam pipes	51		13		14	14	
Other injuries from steam and hot liquids			55		55	55	
Caustics			25		25	25	
Explosion of molten metals			27		27	27	
Other accidents from molten metals			51		51	51	
Vats, pans, etc. (containing hot liquids or caustics)		1	12		13	12	1
Electricity			58		58	58	
Fire and heat, n. e. s.		5	53		57	57	
Total	1	8	349		358	357	1

TABLE IX.— ACCIDENTS IN FACTORIES, QUARRIES AND TUNNEL CONSTRUCTION,
OCTOBER-DECEMBER, 1907.

(a) Age and Sex of Persons Injured — (Continued.)

CAUSE. [n. e. s.—not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +.	Age not stated.	Total	Male.	Fe- male.
FALL OF PERSON.							
Fall from ladder, scaffold, platform, etc.		4	95		99	94	5
Fall from machinery, trucks, engines, etc.	1	2	55		58	58	
Fall caused by collapse of support.		2	60	2	64	64	
Fall through opening in floor.		1	36		37	37	
Fall in hoistway, shaft, etc.	1		18	2	21	21	
Fall on stairs, steps, etc.	1		14		15	11	4
Fall on level by slipping.		4	18		22	18	4
Fall on level by tripping.		4	28		32	29	3
All others.		5	46	1	52	50	2
Total.	3	22	370	5	400	382	18
INJURED BY WEIGHTS.							
Falling rock and earth (quarrying, ex- cavating, etc.)			60	4	73	73	
Falling pile of material (lumber, coal, cement, etc.)	1	26			27	27	
Falling walls, doors and other objects.	6	256	2		264	260	4
Tools or weights dropped by person injured.		3	42	1	46	46	
Falling objects dropped by other per- sons.		2	19		21	21	
Heavy materials or parts on which in- jured persons were at work.		2	67		69	69	
Machinery being moved.		2	27		29	29	
Fall of materials from trucks in transit.		1	43		44	44	
Handling of castings, flasks, etc.	1	3	120		124	124	
Handling of stone, ore, etc.		2	16		18	18	
Handling of lumber, paper and other materials.		2	71	1	74	73	1
Loading or unloading.		1	104		105	105	
Cause insufficiently described for classi- fication.		1	42		43	43	
Total.	1	26	902	8	937	932	5
FLYING OBJECTS.							
Struck in eye by piece of metal, glass, etc.		3	151		154	152	2
Other injuries from flying objects.		1	42	1	44	44	
Total.		4	193	1	198	196	2
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.	1	2	78	1	82	80	2
MISCELLANEOUS.							
Hand tools (hammers, knives, wrenches, files, etc.)		5	131	1	137	135	2
Tools in hands of fellow workmen.		2	31		33	33	
Injured while fitting and assembling, n. e. s.			35		35	35	
Hand caught on nail, wire, sharp pro- jection, etc.	1	10	78	1	90	84	6
Hand cut on glass.	1	2	13	1	17	15	2
Injured by stepping on nail, silver, etc.		1	46		47	47	
Inhalation of poisonous gases.			12	1	13	13	
All other causes.		3	59	2	64	59	5
Total.	2	23	405	6	436	421	15
GRAND TOTAL.	25	318	4,073	48	4,364	4,190	174

s One not an employed.

b Not an employee.

TABLE IX.—(b) Causes and Results of Accidents in Factories.

CAUSE. [n. e. s.—not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, flywheels, etc.)	30	5		2	5	2
Air fans, steam pumps, etc.	11	1	1	1	5	1
Gearing on all machines	108	25		11	9	
Set screws	10	5			1	
Shafting	20	1			4	
Belts and pulleys	96	13	3	11	12	6
Conveying and hoisting apparatus:						
Elevators and lifts	79	10	1	2	15	7
Cranes (steam, electric, portable, etc.)	23	2			5	
Hoisting and conveying machinery and apparatus, n. e. s.	259	50	1	23	59	4
Locomotives and trains	65	6		2	9	7
Wood working machines:						
Saws	147	36		33	5	1
Planers	36	6		4	2	1
Jointers or buzz planers	21	2		3		
Shapers	19	1		2	1	
Lathes	5	2		1		
Other wood working machines	27	8		5	2	
Paper and printing machinery:						
Barkers	16	1		3	1	
Calenders and other paper making machines	100	19	5	6	15	
Paper cutting, stitching and staying machines	57	10		4	7	
Printing presses	37	7		4	3	
Textile machinery:						
Picking machines	11	1		3		
Carding machines	9	2		5		
Spinning machines	11	3		2	2	
Looms	39	6		12	12	
Formers, knitting machines and other textile machinery	33	4		10	8	
Sewing machines, etc.	20	6		4	5	
Laundry machines	8	1	2		1	
Leather working machinery	18	4		2	1	
Metal working machinery:						
Stamping machines	171	26		7	4	1
Drilling and milling machines	68	17		16	5	1
Screw machines	6	1		2	2	
Lathes	35	10		10	1	
Drop and power hammers	26	4		3	2	1
Shears	80	6		6		3
Rollers	23	3	6		2	
Other	77	18		15	8	
Polishing machines:						
Contact with grindstones, emery wheels, etc.	34	6		7	3	
Struck by fragments of polishing wheels	38			6	1	
Other	18			8	3	
Machines used in bakeries, confectionery establishments, etc.	10	2				
Machines not elsewhere specified	102	22	1	20	17	3
Total	1,953	352	20	256	237	38
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.)	25	1		2	2	
Explosion and ignition of gases	33		22		1	
Explosion of boilers and steam pipes	14		5	1		
Other injuries from steam and hot liquids	55		49			
Caustics	25		20			
Explosion of molten metals	27		20			
Other accidents from molten metals	51		43		1	
Vats, pans, etc. (containing hot liquids or caustics)	13		9			
Electricity	58		46	1		
Fire and heat, n. e. s.	57	1	47		1	
Total	358	2	261	4	5	

a One not
b Two not

Quarries and Tunnel Construction, October-December, 1907.

DISABLEMENT.				Serious injuries, probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internal.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
.....	1	1	16	6	.....	.....	5	.....	.....	1	6	2
.....	.....	.....	9	1	.....	.....	1	.....	.....	.....	1	.....
1	4	.....	50	20	1	2	30	.....	.....	4	37	1
.....	.....	1	7	.....	.....	.....	1	.....	.....	2	3	.....
.....	9	.....	14	2	.....	.....	1	.....	.....	2	3	.....
8	17	4	74	9	2	.....	4	2	1	.....	9	04
.....
.....	12	2	49	15	.....	.....	3	.....	.....	4	7	8
1	3	.....	11	4	1	.....	2	.....	.....	3	6	2
.....
17	32	10	196	29	.....	1	17	.....	.....	8	26	8
2	10	.....	36	9	2	2	.....	.....	3	3	10	10
.....
1	2	1	79	19	.....	2	38	1	2	5	48	1
.....	.....	.....	13	6	.....	.....	16	.....	.....	1	17	.....
.....	.....	.....	5	2	.....	.....	14	.....	.....	.....	14	.....
.....	1	1	7	4	.....	.....	6	.....	.....	2	8	.....
1	.....	.....	4	.....	.....	.....	1	.....	.....	.....	1	.....
.....	2	.....	17	1	.....	.....	6	.....	.....	3	9	.....
.....
.....	.....	.....	5	5	.....	1	5	.....	.....	.....	6	.....
4	9	1	59	17	.....	.....	13	.....	.....	9	22	2
1	1	5	28	14	.....	.....	14	.....	.....	1	15	.....
1	.....	1	16	8	.....	2	8	.....	.....	3	13	.....
.....
.....	1	.....	5	3	1	.....	.....	.....	.....	2	3	.....
.....
1	.....	1	9	1	.....	.....	1	.....	.....	.....	1	.....
1	1	.....	32	5	.....	.....	1	.....	1	1	2	.....
.....
1	1	1	25	3	.....	.....	2	.....	.....	2	4	1
.....	.....	2	17	2	.....	.....	1	.....	.....	.....	1	.....
.....	1	1	6	1	.....	.....	1	.....	.....	.....	1	.....
.....	.....	.....	7	3	.....	.....	7	.....	.....	.....	7	1
.....
3	1	5	47	46	.....	.....	72	1	.....	5	78	.....
1	7	.....	47	7	.....	.....	13	1	.....	.....	14	.....
.....	.....	.....	5	1	.....	.....	.....	.....	.....	.....	.....	.....
2	1	2	27	4	.....	.....	4	.....	.....	.....	4	.....
1	1	.....	14	6	.....	.....	3	1	.....	1	5	1
.....	1	.....	13	2	.....	.....	13	.....	.....	2	15	.....
.....	5	.....	16	3	.....	1	3	.....	.....	.....	4	.....
1	6	1	49	11	.....	.....	17	.....	.....	.....	17	.....
.....
1	1	2	20	6	.....	.....	7	.....	.....	1	8	.....
.....	1	25	33	5	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	1	13	4	.....	.....	1	.....	.....	.....	1	.....
.....
.....	1	.....	3	2	.....	1	2	.....	.....	2	5	.....
2	14	1	80	8	.....	2	9	.....	.....	2	13	1
51	147	69	1,170	295	7	14	342	6	7	69	445	43
.....
1	.....	1	7	11	.....	1	.....	.....	.....	2	3	4
2	2	1	28	3	.....	.....	.....	.....	1	.....	1	1
.....	4	.....	10	1	.....	.....	.....	.....	.....	1	1	02
.....	1	.....	50	5	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	20	4	.....	.....	.....	.....	.....	1	1	.....
.....	.....	.....	20	6	.....	.....	.....	.....	.....	1	1	.....
.....	.....	.....	44	7	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	1	10	1	.....	.....	.....	.....	.....	.....	.....	.....
6	.....	2	55	1	.....	.....	.....	.....	.....	.....	.....	02
.....	.....	1	50	4	.....	.....	.....	.....	.....	1	1	2
9	7	6	294	43	.....	1	.....	.....	1	6	8	13

an employee.
employees.

TABLE IX.—(b) Causes and Results of Accidents in Factories.

CAUSE. [n. e. s.—not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Spinals.
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.	99	8		3	18	16
Fall from machinery, trucks, engines, etc.	58	1		4	10	20
Fall caused by collapse of support.	64	2	1	2	12	13
Fall through opening in floor.	37	1		3	3	11
Fall in hoistway, shaft, etc.	21	2		2	1	
Fall on stairs, steps, etc.	15	1			2	5
Fall on level by slipping.	22	1		1	2	7
Fall on level by tripping.	32	4		7	5	8
All others.	52	9		10	7	9
Total.	400	29	1	32	60	89
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.)..	73	13		3	21	1
Falling pile of material (lumber, coal, cement, etc.)..	27	4		4	7	1
Falling walls, doors and other objects.	264	69		31	97	5
Tools or weights dropped by person injured.	46	16		5	17	1
Falling objects dropped by other persons.	21	6		2	5	
Heavy materials or parts on which injured persons were at work.	69	11		7	26	6
Machinery being moved.	29	10		5	7	1
Fall of machinery from trucks in transit.	44	8		3	15	1
Handling of castings, flasks, etc.	124	26		7	45	9
Handling of stone, ore, etc.	18	3		2	5	
Handling of lumber, paper and other materials.	74	14		2	21	16
Loading or unloading.	105	32		8	37	6
Cause insufficiently described for classification.	43	9		2	11	9
Total.	937	221		81	314	56
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.	154	4	15	16	7	
Other injuries from flying objects.	44	10	2	14	8	
Total.	198	14	17	30	15	
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.						
	82	13		2	30	1
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.)...	137	34		46	29	4
Tools in hands of fellow workmen.	33	6		4	9	
Injured while fitting and assembling, n. e. s.	35	9		4	9	2
Hand caught on nail, wire, sharp projection, etc.	90	26		44	2	
Hand cut on glass.	17	4		11		
Injured by stepping on nail, silver, etc.	47	25		2		1
Inhalation of poisonous gases.	13					
All other causes.	64	6		9	7	13
Total.	436	110		120	56	20
GRAND TOTAL.	4,364	741	299	525	717	204

Quarries and Tunnel Construction, October-December, 1907 — Concluded.

DISABLEMENT.				Serious injuries, probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internal.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
8	24	5	82	5					4	5	9	3
1	11	3	50	1					3	3	6	1
6	16	2	54	4					2	4	6	1
3	8	1	30	2						4	4	1
1	6	2	14	1						2	2	4
6	4	2	14	1					1		1	
4	1	2	20	1					1		1	
2	2	1	31	6			1	1	1	3	6	1
31	74	18	334	21			1	1	12	21	35	10
3	18	2	61	4					1	1	2	6
3	2	1	22	1			2		1		3	1
13	21	10	246	8			8		1		9	1
1	1	2	43	2			1				1	
2	1	1	17	1			2			1	3	
2	6	5	63	4			1			1	2	
5	2	1	26	1			2				2	
2	7	1	40	2			2				2	
2	9	6	104	13			4		1	2	7	
3	3	1	14	2			2				2	
3	3	4	63	2			2		2	5	9	
2	5	5	95	2			4		2	2	8	
3	1		35	4			2		2		4	
39	79	39	829	46			32		10	12	54	8
1		82	125	22				5		2	7	
	2	5	41	2						1	1	
1	2	87	166	24				5		3	8	
8	10	4	68	5		1	3		1	3	8	1
1	3	5	122	13			1			1	2	
1	1		21	8			2		1	1	4	
1	2	2	29	3			2			1	3	
	4	7	83	4			2			1	3	
			15	1						1	1	
1		17	46	1								
	1	9	10									3
5	5	9	54	8					1	1	2	
9	16	49	380	38			7		2	6	15	3
148	335	273	3,241	472	7	16	385	12	33	120	573	78

BUREAU OF FACTORY INSPECTION.

Table X.—Work of the Deputy Factory Inspectors.

	FOURTH QUARTER, 1907.				Fourth quarter, 1906.
	Oct.	Nov.	Dec.	Total.	
Regular inspections:					
Factories in separate buildings.....	1,216	1,044	1,243	3,503	3,790
Tenant factories.....	2,356	2,056	2,168	6,580	5,168
Laundries.....	136	155	209	500	484
Bakeries.....	336	268	430	1,034	1,626
Mines or quarries.....	.....	.....	.....	.....	11
Tunnel workings.....	2	12	3	17	.....
Tenant factory buildings.....	6	5	7	18	54
Tenement buildings (licensed).....	408	354	427	1,189	473
Total.....	4,460	3,894	4,487	12,841	11,606
Special inspections (factories, laundries, bakeries).....	85	87	100	272	439
Investigations:					
Applications for license.....	447	397	287	1,131	890
Complaints.....	35	20	20	190	217
Compliances (No. of establishments).....	1,577	1,287	1,324	4,188	48,280
On special orders.....	304	342	185	831	210
Total.....	2,363	2,046	1,816	6,340	9,577
Observations:					
Tenement buildings (unlicensed).....	257	262	338	857	611
Tunnel workings.....	5	11	19	35	.....
Tagging, to stop work:					
Goods in tenements (\$100).....	16	8	21	45	98
Goods in tenant factories (\$95).....	47	31	22	100	106
Articles in bakeries (\$114).....	.....	.....	10	10	4
Unsafe machinery (\$81).....	1	.....	.....	1	.....
Scaffolding (\$19).....	.....	.....	.....	.....	1
Total.....	64	39	53	156	209
Prosecutions begun†:.....	24	41	65	130	99
Days or parts of days on court work.....	70	128	162	360	*
Hours spent in patrol work.....	342‡	262‡	159	764	*

Table XI.—Number of Children's Employment Certificates Issued by Boards of Health in First and Second Class Cities.

CITY.	FOURTH QUARTER, 1907.				Fourth quarter, 1906.
	Oct.	Nov.	Dec.	Total.	
New York City:					
Bronx Borough.....	196	125	104	425	411
Brooklyn Borough.....	72	360	267	699	293
Manhattan Borough.....	1,284	920	664	2,868	2,680
Queens Borough.....	67	47	34	148	130
Richmond Borough.....	7	2	3	12	36
Total—New York City.....	1,626	1,454	1,072	4,152	3,550
Buffalo.....	85	50	38	173	234
Rochester.....	44	50	33	127	163
Syracuse.....	74	63	57	194	178
Albany.....	20	3	3	26	49
Troy.....	42	10	25	77	77
Utica.....	46	20	7	73	90
Yonkers.....	9	5	4	18	27
Schenectady.....	15	14	7	36	62

* Not reported.

† In 1906 each visit to an establishment with reference to the same orders was counted as one investigation; in 1907 only the first visit, subsequent visits being reckoned as simply a part of the one investigation.

‡ Of Table XIII.

§ Includes mercantile as well as manufacturing establishments.

BUREAU OF FACTORY INSPECTION — Continued.

Table XII.—Licenses for Tenement Manufactures.

	FOURTH QUARTER, 1907.			Total Oct. 1, 1904, to Dec. 30, 1907.
	New York City.	Remain- der of State.	Total.	
Applications pending September 30, 1907.....	120	.....	120	.....
Applications received.....	508	15	523	10,780
Total.....	628	15	643	10,780
(1) Applications for dwellings with- out clear record from local health or tenement-house authorities and therefore.....	refused	.....	.....	1,775
(2) Applications for dwellings with clear record from health and tenement-house authorities, in- vestigated by factory inspector and.....	granted refused standing*	460 111 10	11	471 111 10
(3) Applications for shop buildings investigated by factory inspec- tor and.....	granted refused standing*	4 1	4	8 1 3
Applications refused† in class 1 with subsequent report of compliance with orders of health or tenement- house authorities, investigated by factory inspector and.....	granted refused	23 16	..... .....	23 16
Applications refused† in classes 2 or 3, subsequently re-investigated and.....	granted refused	172 203	..... .....	172 203
Total applications granted.....	659	15	674	9,079
Total applications refused (net)‡.....	—83	.....	—83	1,109
Total applications standing*.....	10	.....	10	305
Applications canceled by applicants.....	10	.....	10	228
Applications duplicated.....	.....	.....	.....	27
Applications pending Dec. 30, 1907.....	32	.....	32	32
Licenses canceled at request of applicants.....	37	1	38	315
Licenses revoked for unlawful conditions.....	1	.....	1	9
Net increase in outstanding licenses.....	621	14	635	.....
Licenses outstanding Sept. 30, 1907.....	7,628	492	8,120	.....
Licenses outstanding Dec. 30, 1907.....	8,249	506	8,755	8,755

* These are cases in which investigation showed no work being done or likely to be done on the premises and in which no further application for the license was received after investigation.

† In present or previous quarters.

‡ The number of buildings held to be below the requirements for licensing was 1,192 at the beginning of the quarter. As the result of re-applications and re-inspections during the quarter, the number of rejected applications was reduced to 1,109.

BUREAU OF FACTORY INSPECTION.
Table XIII.—Prosecutions for Violations of the Factory Law, October-December, 1907.
RESULTS OF CASES COMPLETED.

OFFENSE.	NUMBER OF CASES.			CONVICTIONS.				Dismissals or acquittals.	With- drawals.	Pending of Dec. 31. fines.	Amount of Dec. 31. fines.
	Pending Oct. 1.	Begun during quarter.	Total.	Cases completed in quarter.	Sentence suspended.	Fine imposed.	Total.				
I. ADMINISTRATION:											
Interfering with deputy factory inspector in the performance of his duty	4	1	5	5	5	*1	1	4	.....	.....	.....
II. SANITATION AND SAFETY:											
Failure to provide lights in halls or stairways...	.....	1	1	1	.....	.....	.....	.....	.....	1	.....
Failure to keep walls and halls clean.....	.....	1	1	1	.....	.....	.....	.....	.....	1	.....
Failure to provide water closets.....	.....	2	2	1	.....	.....	.....	1	.....	1	.....
Failure to provide dress- ing room.....	.....	1	1	1	.....	.....	.....	.....	.....	1	.....
Failure to provide ex- haust fans.....	2	.....	2	.....	.....	.....	.....	.....	.....	2	.....
Failure to provide hand- rails on stairs.....	.....	1	1	1	.....	.....	.....	.....	.....	1	.....
III. CHILDREN:											
Employing children under 14.....	32	19	51	34	7	19	26	6	2	17	\$450
Employing children under 16 without Board of Health certificates.....	17	57	74	35	11	14	25	9	1	39	325
Employing children under 16 more than 8 (or 9) hours per day.....	13	45	58	26	11	8	19	6	1	32	165
Employing children under 16 after 5 p. m.....	.....	2	2	1	.....	.....	.....	1	.....	1	.....
Employing child under 16 at sorting room.....	1	.....	1	.....	.....	.....	.....	.....	.....	1	.....
Failure to keep register of children employed.....	1	.....	1	.....	.....	.....	.....	.....	.....	1	.....
IV. WOMEN AND MINORS:											
Employing women after 9 p. m.....	1	.....	1	.....	.....	.....	.....	.....	.....	1	.....
Employing women more than 60 hours per week	1	.....	1	1	.....	1	1	.....	.....	.....	25
Total.....	72	130	202	103	30	42	72	27	4	99	\$965

*Held in \$300 bail to keep the peace for six months.

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EDITORIAL SUMMARY.

Unemployment. Returns from all the trade unions of the state show that on the last working day in March, out of 387,450 members reporting 138,131 or 35.7 per cent were idle and that out of 386,115 reporting 101,466 or 26.3 per cent were idle continuously during the three months of January, February and March. This is a degree of unemployment unapproached by any previous year since 1897 when a temporary slump in business activity momentarily interrupted the improvement which had set in after the hard times following 1893. For the generally prosperous decade, 1898 to 1907, the highest figures for the first quarter of the year were 27.2 for the last day and 14.6 for the entire quarter, in 1904. These, however, were exceptional figures due to an abnormal amount of suspension of work by strikes or lockouts. The mean percentages of idleness for the decade were 17.5 for the end of March and 10.0 for the three months. The low record year of the last ten was 1906 when the percentage of idleness for the last day was 9.9 and for the quarter 6.5. The increased idleness this year is shown by reports of causes for the end of the quarter to have been due entirely to the prevailing business depression. The various causes of idleness may be reduced essentially to three—slack trade, strikes or lockouts and disability. The amount of disability reported this year was about as usual, and idleness due to labor disputes was but a fraction of what it has been in recent years, so that the increase falls entirely under “lack of work” as the reported cause. All of the important industries represented in the trade union returns suffered from the increased idleness of 1908 and most of them heavily. Thus in the building trades 56.0 per cent of the union members were idle at the end of March this year as compared with 37.3 in 1907, 11.1 per cent in 1906 and 21.9 per cent in 1905. In these trades New

York City was a heavier sufferer than the remainder of the state. In transportation idleness at the end of March was twice as great this year (25.6 per cent) as last (12.7 per cent) and last year's figure was slightly below 1905 or 1906. Of manufacturing industries, clothing, metals and printing are the principal ones represented in the union returns. In the clothing trades the percentages of idleness for the end of March were 46.7 in 1908 as against 12.4, 14.3 and 19.5 in 1907, 6 and 5. Similar figures for the metal trades are 31.8 this year as compared with 4.2, 4.8 and 9.2 for the last three years, and for printing 17.9 this year against 9.9, 9.4 and 8.0.



**Wages
and
Earnings.**

With the prevailing idleness, the number of union members who had some work and reported earnings for January, February and March was so greatly reduced this year as to make comparisons with former years somewhat uncertain owing to changes in relative importance of the different grades of workmen represented in the different years. The indication of the returns, however, by the rough measure of average earnings per day, is that for union wage earners wage rates were somewhat lower in the first quarter of this year than in 1907, though very little, if any, lower than in the corresponding quarter of 1906. Those union men who worked during the first quarter averaged 64.7 days of time worked as compared with 67.5 in 1907 and 70.7 in 1906, the latter being the highest on record in the last ten years. The decrease this year in average days of employment of those who worked appears at first sight surprisingly moderate in view of the great increase of idleness which prevailed. This circumstance, however, reflects the severity of the business depression in throwing men wholly out of work rather than simply reducing their working time. The reduced amount of work for those who had employment, with probably a somewhat lower level of wages as compared with 1907, naturally produced a corresponding reduction in their earnings in the first quarter of this year as compared with 1907 or 1906.

**Trade
Unions.**

Accompanying the unfavorable condition of the labor market there was a decrease in the strength of organized labor in the state between the end of September, 1907, and March, 1908, of 46 unions and 38,210 members. This left a total of 2,451 unions with 398,582 members in the state at the end of March. This decline interrupted an upward movement which had been continuous since March, 1905, and reduces the total union membership to the point it had attained in September, 1906. The decrease was general through the state, though varying considerably in extent in different localities. For the state as a whole the decrease in membership during the six months amounted to 8.7 per cent. The decrease in New York City was 9.9 per cent, in Buffalo 7.0 per cent, Rochester 7.2 per cent, Syracuse 3.1, Albany 3.5, Schenectady 18.5, Troy 5.0, and in the remainder of the state 5.8 per cent.

**Immigration
and
Emigration.**

A tremendous change in the flow of foreign labor through the Port of New York is another accompaniment of the depressed labor market which was produced by the financial crisis of last October. The number of aliens admitted at New York City, which in the second quarter of 1907 was 50,000, or 15 per cent, greater than the year before and in the third quarter 27,000, or 14 per cent greater, was in the fourth quarter only 7,600, or 3 per cent, greater and in the first quarter of 1908 was 141,372 or 71 per cent less than the year before. At the same time, as is well known, emigration increased heavily and as a matter of fact the number of aliens who departed from the Port of New York in January of this year was equal to three-fifths of the number admitted during the entire three months of the first quarter, indicating for that quarter emigration greatly in excess of immigration. Of the emigrants from the Port of New York during the four months from October, 1907, to January, 1908, nearly 48,000 had resided in New York State.

Industrial Relations. Labor disputes in the first quarter were not so numerous this year as in 1907, but about equaled the number in 1906 and exceeded the figures for 1903, 1904 or 1905. But this year's 34 disputes were as a rule so unimportant that the total number of workpeople directly concerned in them was only 1,611 as compared with 8,915 in 1907 or 10,703 in 1906 and 7,800 or over in each of the three earlier years. There was an unusual proportion of strikes against reductions of wages. But the whole number of these (8) was after all very small and the average number of employees directly involved in them was only 35. The fact is that a notable circumstance in connection with the prevailing business depression of the first quarter was a very general renewal of spring union agreements, especially in the building trades, without change of wages or hours. A conspicuous exception to this, however, which bears some appearance of threatening conflict ahead, appears in the failure of the Lake Carriers' Association and the International Longshoremen's Union to renew their agreement owing to a controversy precipitated by the employers insisting upon a change to "open shop" conditions. During the first quarter the State Bureau of Mediation and Arbitration intervened for conciliation purposes in 21 disputes. In six cases the intervention was immediately successful in terminating the controversies, in two of which threatened strikes were thereby averted.

• • •

Factory Inspection. During the first three months of this year regular inspections by the Bureau of Factory Inspection numbered 14,920 as compared with 12,521 in the same months last year. The increase was chiefly in inspections of tenement buildings licensed for home manufactures in New York City. Complaints formal enough to call for special investigation numbered 47 as against 229 the year before. Prosecutions for violation of law instituted during the three months numbered 177, or but ten short of one-half the whole number begun in the entire fiscal year of 1907. "Tagging" to stop work until the law's sanitary requirements should be complied with was

resorted to in case of 13 tenement buildings, 134 tenant factories and 3 bakeries. One license for home work in tenements was revoked for unlawful conditions. In five cases the use of unsafe machinery was prohibited by notice until proper safeguards should be provided. Accidents to workmen in factories, quarries or tunnel construction reported during the first quarter numbered 3,402 this year, or about 25 per cent less than in 1907. This decrease is to be accounted for as the natural result of greatly reduced working forces this year.

■ ■ ■

Labor Laws of 1908. Ten distinctively "labor" laws were enacted as the result of the legislative sessions of 1908 and are reproduced in the BULLETIN. Five of the new laws relate to the health and safety of employees, three to payment of wages, one to industrial education and one to immigration. Easily leading the others in importance are three. Chapter 520 of the Laws of 1908 transfers the enforcement of the regulations concerning employment of women and children in first-class cities (New York City, Buffalo and Rochester) from the local boards of health to the Department of Labor. This represents the attainment of an object which has been sought for years by those interested in the protection of women and children in wage-earning occupations. The act was recommended by the Governor, was the principal Department measure this year, and was strongly advocated by philanthropic and labor organizations. The legislature made substantial provision for the enforcement of the law by the Department of Labor by creating a new bureau therein with a chief and ten deputy mercantile inspectors. A second measure long striven for and this year finally attained is the law (chapter 442) providing for payment of wages by steam railroads twice a month instead of once a month as heretofore. This was one of the two preferred measures this year of the State Workingmen's Federation and was vigorously advocated by the railway brotherhoods. As pointed out by the Governor in a memorandum of approval the act mitigates in part the discrimination against railroad employees, as compared with employees

of other corporations who must be paid weekly, which has so long existed in the Labor Law. The third leading measure of the session is one providing for the establishment of industrial and trade schools in connection with the public schools. This law (chapter 263) carries out the recommendations of the Commissioner of Education and was strongly advocated by him. It permits the establishment by local public-school authorities of either general industrial or trade schools and provides for state subsidy of such schools. An important provision of the act, designed to give employers and employees a voice in the management of such schools, requires the public school authorities to appoint "an advisory board of five members representing the local trades and industries" to "counsel with and advise" the school authorities in such management. Of the other labor laws of 1908, three administrative measures, passed at the instance of the Labor Department, facilitate the enforcement of the provisions of the Labor Law as to water closets, stairs, doors and ventilation in factories, as to reporting of tunnel accidents and as to tenement manufactures; another affords some further protection against the great risks of railroad occupations by requiring platforms with railings on all cabooses; a fifth requires ice-harvesting companies, as others have long been required, to pay wages in cash; the Garnishee Law ~~concerning unions~~ is amended on the one hand so as to slightly lower the limit of wages exempted, but on the other hand so as to make the law apply to all debts for goods purchased instead of only to those for "necessaries" as formerly; and finally the serious problems connected with the presence in this State of great numbers of alien laborers are recognized in provision for a special commission to investigate and report to the Governor upon the condition of such aliens.

UNEMPLOYMENT IN THE FIRST QUARTER OF 1908.

Returns as to employment and earnings during the first three months of this year obtained from the trade unions of the State (see Appendix, Tables I to III) show for the last working day of March a total of 138,131 members idle out of 387,450 members for whom reports of idleness were made.¹ Out of 386,115 members reported there were 101,466 or 26.3 per cent returned as having had no work at all during the entire three months of January, February and March. How these figures compare with those for previous years is shown in the following table:

TABLE 1.—NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE—
DURING FIRST QUARTER. AT THE END OF MARCH.

YEAR.	Number.	Percentage.	Number.	Percentage.
1897.....	35,381	24.8	43,654	30.6
1898.....	18,102	10.1	37,857	21.0
1899.....	22,658	13.1	31,751	18.3
1900.....	22,805	10.1	44,336	20.0
1901.....	26,841	11.3	42,244	18.5
1902.....	16,776	6.2	36,710	13.6
1903.....	19,310	5.5	41,941	12.1
1904.....	55,710	14.6	103,995	27.2
1905.....	31,638	8.7	54,916	15.1
1906.....	24,746	6.5	37,237	9.9
1907.....	55,624	13.8	77,270	19.1
1908.....	101,466	26.3	138,131	35.7

Nothing anywhere nearly approaching this year's amount of unemployment is to be found short of 1897, with the single exception of 1904, when there was an exceptional amount of idleness, especially at the end of the quarter, due, as indicated in Table 2 below, to an abnormal amount of suspension of work by strikes or lockouts. The year 1897 recorded a great amount of idleness due to a temporary slump in business in 1896-7 which momentarily interrupted the improvement which had set in after the hard times following 1893.^a For the generally prosperous decade, 1898 to 1907, the mean percentage of idleness at the end of March was 17.5, and the percentage of continuous idleness

¹ There were 11,132 other union members in the State who were not considered in the returns, including such as those in business, proprietors of shops, retired members, and those for whom the union officials were unable to make any report as to idleness.

^a See Annual Report of Bureau of Labor Statistics, 1899, p. 1170.

for the first quarter was 10.0. This year's proportions, it will be seen, are respectively twice and two and one-half times as great.

A comparison of the causes of idleness among trade unionists at the end of March for the last five years is made in the following table:

TABLE 2.—CAUSES OF IDLENESS AT END OF MARCH.
CAUSE.

	Number of Members Idle for Each Cause.				
	1904.	1905.	1906.	1907.	1908.
Lack of work.....	34,685	28,759	16,719	52,031	123,706
Lack of stock.....	1,213	1,343	1,397	1,819	576
Weather	36,600	10,005	10,682	15,472	8,064
Labor disputes	25,723	4,814	4,787	3,970	1,573
Disability	3,808	2,042	3,005	3,563	3,811
Other reasons	1,573	794	552	315	274
Reason not stated	303	259	95	100	127
Total	103,995	54,916	37,237	77,270	138,131

	Percentage of Idleness Due to Each Cause.				
CAUSE.	1904.	1905.	1906.	1907.	1908.
Lack of work.....	33.3	52.4	44.9	67.3	89.6
Lack of stock.....	1.2	2.4	3.7	2.4	0.4
Weather	35.2	29.1	28.7	20.0	5.8
Labor disputes	24.7	8.8	12.9	5.2	1.1
Disability	3.8	5.4	8.1	4.6	2.8
Other reasons	1.5	1.4	1.5	0.4	0.2
Reason not stated.....	0.3	0.5	0.2	0.1	0.1
Total	100.0	100.0	100.0	100.0	100.0

It appears at once that the greater idleness of 1908 is found entirely under the cause "lack of work" and is due therefore to the decreased demand for labor caused by the prevailing business depression. It is to be observed, however, that the actual proportion of idleness at the end of March, due to this cause is exaggerated this year as compared with others by the evident inclusion therein in the case of the building trades of nearly all the idleness which is ordinarily credited to the "weather." As will be seen above weather conditions always account, and naturally, for a large proportion of idleness at the end of March, being found effective chiefly, and relatively little elsewhere, in the building and navigation trades. This year while the usual amount of idleness on account of the weather appears in the navigation trades, where in any case it could be properly credited only

to the usual closed navigation season, in the building trades less than one-tenth as much weather idleness was reported as in 1907, for example. The explanation of this is two-fold. On the one hand is the fact that in the building trades the weather is a fluctuating cause of idleness and operates to produce idleness in large degree only for those who *have work*. Hence as the number out of work anyway increases the number who can be said to be prevented from working by the weather decreases. Coupled with this is doubtless also some unconscious tendency on the part of those reporting to overcredit idleness to lack of work under the vivid impressions of the prevailing hard times. This latter tendency, so far as operative, would appear to have affected the returns only in case of weather idleness or possibly idleness ordinarily credited to lack of stock. The amount of disability reported was about as usual, and the large reduction in idleness due to labor disputes corresponds to the actual facts as shown by the statistics of strikes and lockouts elsewhere in this BULLETIN.

What has just been said as qualifying the relative weight of different causes of idleness as they appear on the face of the returns does not, of course, in anywise alter the broad general fact of an enormous increase of idleness in 1908 as compared with any other recent year, and that the one cause of the increase was lessened demand for labor.

The following table shows the extent of idleness in the different industries with comparative figures for the last three years:

TABLE 3.—IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS: BY INDUSTRIES.

GROUPS OF TRADES.	AT END OF MARCH.					DURING FIRST QUARTER.						
	Percentage.					Percentage.						
	Number.	1908.	1908.	1907.	1906.	1905.	Number.	1908.	1908.	1907.	1906.	1905.
1. Building, stone working, etc.....	72,422	56.0	37.3	11.1	21.9		61,029	47.3	29.2	6.8	12.5	
2. Transportation.....	17,854	25.6	12.7	14.1	14.6		14,248	20.6	9.7	12.3	13.4	
3. Clothing and textiles...	18,559	46.7	12.4	14.3	19.5		8,210	20.6	2.6	6.0	1.6	
4. Metals, machinery, etc..	10,286	31.8	4.2	4.8	9.2		6,637	20.5	2.0	2.2	4.3	
5. Printing, binding, etc...	4,471	17.9	9.9	9.4	8.0		2,330	9.2	7.7	8.1	4.9	
6. Wood working, etc....	3,404	31.1	13.0	7.1	18.7		2,241	21.8	7.7	4.9	11.7	
7 Food and liquors.....	1,480	10.2	7.1	5.6	7.7		875	6.0	3.0	3.3	2.5	
8. Theaters and music....	1,130	8.8	13.2	7.3	8.0		1,009	7.9	12.2	6.4	7.7	
9. Tobacco.....	2,930	25.8	3.5	6.4	11.7		2,324	20.4	2.1	3.1	8.3	
10. Restaurants, trade, etc.	1,144	11.4	2.5	3.3	5.6		286	2.8	0.8	1.2	3.4	
11. Public employment....	892	8.8	13.9	2.6	6.0		291	2.9	1.6	0.8	2.1	
12. Stationary engine men..	983	7.7	1.9	2.7	3.3		479	3.8	1.5	2.3	2.5	
13. Miscellaneous.....	2,576	29.9	4.4	8.8	11.5		1,537	17.8	2.6	3.0	5.8	
Total.....	138,131	35.7	19.1	9.9	15.1		101,466	26.3	13.8	6.5	8.7	

The largest percentage of idleness appears in the building trades, which make up the largest group of trades represented in the trade union returns. This it will be seen, however, is not uncommon for the first quarter of the year, the same thing having been true in 1907 and 1905, for example. As pointed out in the June BULLETIN of 1907 (p. 144), there was an exceptional amount of idleness in the building industry in that year due to a reaction in New York City from unprecedented activity theretofore. The contrast between 1908 and 1907 is far less marked therefore, notwithstanding a heavy increase, than is to be seen in most of the manufacturing industries in the returns.

But compared with 1906, the best of very recent years in this industry, the building trades in the first quarter of this year show five times as large a percentage of idleness on the last day of March and about seven times as high a proportion of continuous idleness during the three months.

The quarterly statistics of building operations authorized by city building departments (see Appendix, Table IV) indicate that the depression in the building industry was most severe in New York City. The number of new buildings authorized there dropped off as compared with 1907 nearly one-half, and their estimated cost was far below one-half as much. Alterations were as numerous, but were restricted to less expensive changes. The figures for Buffalo and Rochester indicate considerably decreased building activity in those cities also, though in no such degree as in the metropolis.

In transportation the percentages of idleness are slightly more than twice those of 1907, the most favorable of the last four years in that industry.

The manufacturing industries most largely represented in the trade union returns are clothing and textiles, metals, machinery, etc., and printing, groups 3, 4 and 5 respectively. It is in clothing and metals, together with tobacco of the smaller groups, that most violent contrasts with former years appear, all three showing simply enormous increases of idleness in 1908. The printing trades and food and liquors, though both suffering from increased idleness, are nevertheless noticeable by reason of much more moderate increases than in most of the other groups. The

theatrical and musical trades and those in public service alone show little or no evidence of worse conditions this year than last.

It was shown above that the prevailing business depression had the effect of greatly increasing the amount of continuous idleness in the first quarter of this year. It naturally had also the further effect of reducing the amount of employment enjoyed by those not completely thrown out of work. The latter effect, however, is far less striking than the former, for the returns as a whole. Thus, the average number of days worked by men who were employed for the first quarter of this year was 64.7 as compared with 67.5 last year. The principal inference to be drawn from this would be that the business depression tended to affect workmen in the more serious manner of throwing them entirely out of employment rather than in the lighter form of decreased working time. To a large extent this was manifestly true, but in largely varying degrees in different industries, some of them showing much heavier reductions in time worked than others, as follows:

TABLE 4.—AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE FIRST QUARTER 1903-1908.

INDUSTRIES.	Number em- ployed.	AVERAGE NUMBER OF DAYS WORKED.					
		1908.	1907.	1906.	1905.	1904.	1903.
1. Building, stone working, etc..	66,188	51.3	52.9	63.4	50.6	47.4	57.6
2. Transportation	52,321	79.5	81.5	80.1	80.6	77.5	77.9
3. Clothing and textiles	23,179	48.1	64.7	65.5	60.4	58.1	63.0
4. Metals, machinery, etc.	25,255	61.5	71.7	72.3	71.4	69.3	73.0
5. Printing, binding, etc.	21,319	66.4	72.1	75.2	69.1	69.6	71.6
6. Wood working and furniture..	7,867	55.6	66.4	70.5	65.5	65.1	69.7
7. Food and liquors	13,556	71.8	73.3	72.2	71.8	72.7	71.0
8. Theaters and music	6,699	71.8	72.1	76.3	76.9	70.4	61.4
9. Tobacco	7,212	60.1	74.1	70.6	69.1	65.5	68.9
10. Restaurants, trade, etc.	9,597	75.8	78.0	79.6	79.1	75.3	76.4
11. Public employment	9,822	83.1	78.2	84.3	81.2	83.3	81.3
12. Stationary engine men	12,011	82.4	81.8	81.1	81.7	78.2	79.9
13. Miscellaneous	6,439	64.8	72.6	71.8	67.6	70.1	69.9
Total — Men	261,465	64.7	67.5	70.7	65.6	64.7	67.8
Total — Women	9,673	56.2	69.2	71.5	67.8	64.2	68.7

It will be seen that in the building and transportation trades, for example, the average days worked declined relatively little, although it should be observed that there had already been a considerable decrease in the former last year. But on the other hand,

for example, the average time worked in clothing and textiles was one-fourth less, and in the metals and machinery group was one-seventh less than in 1907.

A statement of amount of unemployment which shall include both the elements of continuous idleness during the quarter, and reduced working time for those who had some work may be made by calculating the percentage of possible working time in the quarter which was lost by both classes. Excluding Sundays and holidays there were 77 working days in the first quarter of 1908. During the quarter 101,466 union members had no work at all, while 271,138 had some work and reported the amount. Had both of these classes worked 77 days, assumed as full time, their total time would have amounted to 28,690,508 days. As a matter of fact the time made by the 271,138 who had work was 17,457,759* days. There was thus a loss of 39.2 per cent of the possible working time in the quarter. With this may be compared a percentage of lost time on a similar basis for the first quarter of 1907 of 23.8 per cent, or for 1906 of 14.4 per cent, which was the lowest in ten years.

* These figures include Sundays and holidays, as well as regular week days, when work was done on those days as is common in a number of trades, notably the transportation trades.

WAGES AND EARNINGS, FIRST QUARTER, 1908.

Those union men who had some work during the first three months of this year earned during the quarter an average of \$200 each, as compared with average quarterly earnings for the same months of \$205 in 1907 and of \$212 in 1906, the latter being the highest record of recent years. It is necessary to observe in connection with the average earnings in the first quarter of this year, as was the case for the third quarter of 1907 (see December BULLETIN, p. 443), that a great advance of salaries and large increase in membership in an actor's union of New York City since last year¹ has had an altogether extraordinary effect in holding up the average earnings of unionists in the State. Except for this change in a practically salaried profession rather than a wage-earning occupation, the average quarterly earnings of male unionists in the first three months of this year would have been \$193 instead of \$200, or a decrease of \$12 as compared with 1907, or of \$19 as compared with the high record of 1906.

In the following Table 1 are set forth quarterly earnings in 1908 by industries with comparative figures for the last four years (for more detailed figures for 1908 see Table I of the Appendix). Fully 72 per cent of those who worked are found in the five leading groups, every one of which shows lower earnings this year than last, and all of which, with the exception of transportation, reveal lower averages than 1906 also. In these leading groups, however, earnings averaged higher in 1908 than in 1905 except in the clothing and metal trades. In clothing and textiles the average earnings this year fall far below any other of the last five years, and in the metal trades the average is much below 1905, 1906 or 1907. Of the smaller groups of trades, theaters and music and public employment alone show any increase over last year, but only in wood working and tobacco were decreases conspicuous, although there they were heavy, resulting in low record figures for the last five years.

¹ This union reported for the first quarter of 1907 a total of 1,200 male members earning on an average \$40 per week, while for the first quarter of 1908 it returned 4,000 men earning an average of \$65 per week.

TABLE 1.—AVERAGE EARNINGS OF MALE MEMBERS OF LABOR ORGANIZATIONS IN THE FIRST QUARTER, 1904-8.

INDUSTRY.	AVERAGE QUARTERLY EARNINGS.					Number employed, 1908.
	1904.	1905.	1906.	1907.	1908.	
1. Building, Stone Working, Etc.	\$161	\$171	\$220	\$198	\$189	66,188
Stone working.	202	258	247	215	238	3,185
Building and paving trades.	174	201	246	211	196	52,668
Building and street labor.	104	90	155	123	139	10,335
2. Transportation.	183	203	210	224	214	52,321
Railways.	211	225	234	262	236	24,807
Navigation.	156	254	254	272	261	8,175
Teaming and cab driving.	147	176	174	174	172	13,079
Freight handling.	147	145	155	151	150	4,300
Telegraphs.	†	161	163	167	174	1,960
3. Clothing and Textiles.	140	144	162	154	120	23,179
Garments.	135	136	159	156	113	14,999
Shirts, collars and laundry.	224	213	190	123	90	481
Hats, caps and furs.	155	160	161	138	121	3,088
Boots, shoes and gloves.	143	163	172	152	142	2,804
Textiles.	144	179	174	188	153	1,807
4. Metals, Machinery and Shipbuilding.	188	206	212	223	190	25,255
Iron and steel.	187	205	211	223	190	21,070
Other metals.	189	217	225	213	189	2,632
Shipbuilding.	206	193	214	239	194	1,553
5. Printing, Binding, Etc.	217	223	252	240	224	21,319
6. Wood Working and Furniture.	174	172	194	187	164	7,867
7. Food and Liquors.	168	177	184	188	187	13,556
Food products.	152	170	178	185	186	6,463
Beverages.	198	185	190	190	189	7,093
8. Theaters and Music.	296	364	367	311	554	6,699
9. Tobacco.	133	141	147	152	118	7,212
10. Restaurants, Trade, Etc.	155	172	170	180	179	9,597
Hotels and restaurants.	160	181	186	183	180	5,321
Barbering.	144	147	154	164	155	2,788
Retail trade.	154	171	152	196	221	1,488
11. Public Employment.	214	210	224	206	217	9,822
12. Stationary Engine Men.	213	211	229	257	257	12,011
13. Miscellaneous.	152	178	196	205	156	6,439
Paper and paper goods.	140	131	143	149	128	2,835
Leather and leather goods.	127	165	171	178	149	903
Glass and glassware.	248	292	312	306	319	804
Cement and clay products.	†	123	200	217	145	270
Other distinct trades.	156	246	244	261	135	1,360
Mixed employment.	93	104	107	145	101	267
Total.	\$175	\$187	\$212	\$205	\$200	261,465

Decreased earnings in the first quarter of 1908 were sufficiently general to increase the proportion of members who earned less than \$75 to 6 per cent as compared with less than 3 in 1906 or 1907, and to increase the number who earned less than \$150 from

† Included in "Railways."

‡ Included in Group I.

21 per cent in 1906 and 23 per cent in 1907 to 30 per cent this year, as may be seen by the following comparison:

TABLE 2.—DISTRIBUTION OF EACH 100 MALE MEMBERS OF LABOR ORGANIZATIONS ACCORDING TO AMOUNT EARNED IN THE FIRST QUARTER OF —

GRADES.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.	Total members
Less than \$75.....	6.5	3.8	3.9	7.5	8.9	2.3	2.9	6.0	15,695
\$75-\$149	26.6	27.0	23.3	27.4	21.0	18.7	20.0	24.1	62,857
\$150-\$225	41.1	41.8	46.7	41.7	43.3	40.6	39.8	35.5	92,874
Over \$225	25.8	27.4	26.1	23.4	26.8	38.4	37.3	34.4	90,039
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	261,465

Quarterly earnings depend upon two things, amount of employment and rate of pay. The fact of a decreased amount of work in 1908 for those who had employment has already been noted in preceding pages and in so far the decreased quarterly earnings are accounted for. It remains to consider whether there is evidence of decrease in rates of wages in addition. For this purpose are available here only the average earnings per day, obtained by dividing total quarterly earnings of those who worked by total number of days worked, the result by industries or groups of trades being as follows:

TABLE 3.—AVERAGE WAGES RECEIVED FOR A DAY'S WORK BY MALE MEMBERS OF LABOR ORGANIZATIONS IN THE FIRST QUARTER, 1903-8.

GROUPS OF TRADES.	1903.	1904.	1905.	1906.	1907.	1908.
1. Building, stone working, etc.....	\$3 33	\$3 41	\$3 37	\$3 47	\$3 73	\$3 60
2. Transportation	2 37	2 36	2 55	2 62	2 75	2 70
3. Clothing and textiles.....	2 37	2 40	2 38	2 47	2 80	2 50
4. Metals, machinery and shipbuilding...	2 68	2 76	2 88	2 94	3 10	3 09
5. Printing, binding, etc.....	3 13	3 18	3 23	3 34	3 33	3 37
6. Wood working and furniture.....	2 69	2 68	2 63	2 75	2 82	2 94
7. Food and liquors.....	2 37	2 31	2 47	2 55	2 56	2 61
8. Theaters and music.....	4 30	4 20	4 73	4 81	4 31	7 72
9. Tobacco	1 95	2 03	2 04	2 08	2 05	1 97
10. Restaurants, trade, etc.....	1 99	2 06	2 17	2 14	2 31	2 36
11. Public employment	2 41	2 54	2 59	2 65	2 63	2 61
12. Stationary engine tending.....	2 82	2 72	2 72	2 83	3 15	3 12
13. Miscellaneous	2 16	2 17	2 63	2 72	2 82	2 41
All trades	\$2 74	\$2 72	\$2 85	\$3 00	\$3 03	\$3 10

The average earnings per day of male unionists in the first quarter of 1908 was \$3.10 or seven cents above the average for 1907, which was the highest previous record in late years. But

here again attention must be called to the increase of salaries of the union actors in New York City, (noted above in considering quarterly earnings) as a disturbing element in comparison with previous years. The violent effect of this element may be seen in Group 8, theaters and music, and, as a matter of fact, it affects the average earnings per day for all trades combined to such an extent that but for it the average would be \$2.99 for the first quarter of 1908 instead of \$3.10. This, however, would be but four cents lower than last year's average and is virtually the same as the average in 1906. In the different trade groups various changes may be observed. Thus, as between 1908 and 1907 the average this year is 4 cents lower in the building trades, 5 cents lower in the transportation trades, 11 cents higher in the clothing trades, 1 cent lower in the metal trades, 4 cents higher in the printing trades and so on. But the truth is that before inferences could be drawn with any confidence from any of these figures a more detailed analysis of the composition of the membership reporting in the different years would have to be made than present space permits. As frequently noted in previous BULLETINS and reports, a constant difficulty in interpreting the union returns of wages is occasioned by the addition or dropping out of unions or large numbers of members, which causes a change in the proportion of low or highly paid workmen reporting with consequent effect upon averages. This year this difficulty is especially aggravated owing to the great numbers entirely out of work with consequent decrease in members making wage returns. Thus, for the first quarter of 1908 only 261,465 men reported, which is 60,758, or nearly one-fifth less than the number reporting the year before (322,223). Two illustrations will suffice to show how such changes in membership alone will affect the average daily wage. The average daily earnings in "shirts, collars and laundry," one of the sub-divisions of Group 3, shows an increase for the first quarter of the year from \$1.64 in 1907 to \$2.22 in 1908, or 58 cents. A little analysis shows that last year there were 1,000 shirt makers reporting from New York City, while this year there were only 150. The average wage of these workmen last year was \$1.35 per day, and the simple dropping out of 850 of these comparatively low paid men alone had the effect of

raising the average for the sub-division fully 40 cents and was sufficient to account for 2 of the 11 cents increase in the average for the entire Group 3. Again it will be seen in Table 3 above, that the average daily earnings in the miscellaneous group decreased 41 cents in 1908 as compared with 1907. But this year's returns include 500 lamp lighters, earning only \$1.14 cents per day on the average, for whom there was no report of earnings last year. Their entrance into the returns this year brings down the average for the group from \$2.57, the average when they are excluded, to \$2.41 and thus accounts for 16 out of the 41 cents decrease shown above.

Obviously, the influence of such changes in the composition of the membership reporting decreases as the size of the group considered increases. Thus neither of the above cases affects the average for all trades combined, and in fact, their influence being in opposite directions, one tends to offset the other in that average. Bearing in mind, therefore, that only very considerable tendencies upward or downward would affect the average for the combined thirteen groups, it is probable, on the whole, that the decrease of four cents in average earnings per day of union wage-earners, which appears when the extraordinary influence of the above-noted union of actors is disregarded, indicates, in part at least, somewhat lower wage rates in the first quarter of 1908 as compared with 1907, though little, if any, lower than in the corresponding period of 1906.

TRADE AND LABOR UNIONS, MARCH, 1908.

Under the stress of unemployment and shortened income many members of labor organizations suffered their membership to lapse during the six months between the end of last September and the end of March this year. As a result the number of unions in the State decreased by 46, and their aggregate membership declined to the extent of 38,210. This is a violent reversal of a continuous upward movement since March, 1905, and leaves the total number of organizations about where it was in March, 1907, and the total membership at the point it had attained in September, 1906, as revealed in the following comparison:

NUMBER AND MEMBERSHIP OF LABOR UNIONS, 1897-1908, WITH SEMI-ANNUAL INCREASE.

YEAR	ORGANIZATIONS.			MEMBERS.		
	March.	Sept.	Increase Sept.-Mar.	March.	Sept.	Increase Sept.-Mar.
1897	927	1,009	.....	142,570	168,454	.....
1898	1,048	1,087	39	179,955	171,067	11,501
1899	1,156	1,320	69	173,516	209,020	2,449
1900	1,452	1,635	132	232,533	245,381	23,513
1901	1,742	1,871	107	244,851	276,141	*530
1902	1,930	2,229	59	279,950	329,101	3,809
1903	2,362	2,583	133	357,102	395,598	28,001
1904	2,555	2,504	*28	399,699	391,676	4,101
1905	2,420	2,402	*84	374,531	383,236	*17,145
1906	2,411	2,420	9	394,270	398,494	11,034
1907	2,459	2,497	39	414,719	436,792	16,225
1908	2,451	.....	*46	398,582	.....	*38,210

But the union movement was not wholly one of disbandment during the six months ended with March. No less than 68 new organizations were formed during the period, thus offsetting by more than one-half 105 unions which disbanded and 9 which consolidated with others. The net losses in organizations were largest in the metal trades (—16), restaurants, trade, etc. (—12), and clothing and textiles (—9). Net gains were made in but two groups, transportation and public employment.

* Decrease.

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NUMBER OF LABOR UNIONS DISBANDED, AMALGAMATED OR ORGANIZED OCTOBER 1, 1907—
APRIL 1, 1908.

INDUSTRY.	Re-organ- ized.	Dis- banded.	Amalga- mated.	Total lapsed.	New organ- izations.	Net change.
1. Building, stone working, etc.	4	23	1	24	10	— 5
2. Transportation	4	12	3	15	17	+ 2
3. Clothing and textiles	2	14	.....	14	5	— 9
4. Metals, machinery, etc.	1	21	1	22	6	— 16
5. Printing and binding . . . . .	.....	2	.....	2	2	.....
6. Wood working and furni- ture . . . . .	.....	1	.....	1	1	.....
7. Food and liquors	1	2	1	3	3	.....
8. Theaters and music . . . . .	.....	1	.....	1	.....	— 1
9. Tobacco . . . . .	.....	2	.....	2	1	— 1
10. Restaurants, trade, etc.	2	12	.....	12	.....	— 12
11. Public employment . . . . .	.....	2	1	3	0	+ 6
12. Stationary engine men . . . . .	.....	6	.....	6	.....	— 6
13. Miscellaneous . . . . .	.....	7	2	9	5	— 4
Total	14	105	9	114	68	— 46

Three-fourths of the net decline in unions and membership in the State for the six months may be found in New York City, where there was a decrease of nearly 10 per cent in the total number of members. Declines in membership occurred also, however, in every one of the six next largest union centers in the State, among which the decreases in Buffalo, Rochester and Schenectady were most conspicuous. The proportionate decrease in membership was higher in New York City than in any of the other six except Schenectady.

NUMBER AND MEMBERSHIP OF LABOR UNIONS IN LEADING CITIES.

CITY	ORGANIZATIONS.			MEMBERSHIP.			
	Sept., 1907.	March, 1908.	Change.	Sept., 1907.	March, 1908.	Decrease. Number.	Per cent.
New York	712	681	— 31	286,170	257,751	28,419	9.9
Buffalo	181	176	— 5	32,715	30,427	2,288	7.0
Rochester	94	81	— 3	15,396	14,205	1,191	7.2
Syracuse	86	85	— 1	8,884	8,605	279	3.1
Albany	83	83	.....	8,619	8,315	304	3.5
Schenectady	52	48	— 4	7,483	6,100	1,383	18.5
Troy	49	40	.....	4,824	4,583	241	5.0
Total	1,247	1,203	— 44	364,091	330,076	34,015	9.3
All other places	1,250	1,248	— 2	72,701	68,506	4,195	5.8
Grand total	2,497	2,451	— 46	436,792	398,582	38,210	8.7

Table III of the Appendix shows for each of the above cities and for the State the number of unions and membership by industries or groups of trades. Therefrom the summary below has been compiled, which reveals the fact that declines in union membership were almost universal, particularly in New York City, among the thirteen industries into which the various organized trades are grouped. The greatest losses appear in the building trades (—19,000 or practically one-half the total loss for all industries), clothing and textiles (—7,000), and the metal trades (—5,000). In each of these the proportionate loss in the metropolis was greater than in the remainder of the State, very slightly so in the metal trades, to a larger though moderate degree in the building trades, but heavily so in the clothing trades.

CHANGE IN NUMBER OF LABOR ORGANIZATIONS AND MEMBERSHIP OF SAME IN NEW YORK CITY AND THE REMAINDER OF THE STATE, OCT. 1, 1907, TO APRIL 1, 1908.

INDUSTRY	ORGANIZATIONS.		MEMBERS.		
	N. Y. City.	Other places.	New York City.	Other places.	New York State.
1. Building, stone working, etc.	— 7	.....	— 14,899	— 4,113	— 19,012
2. Transportation	— 4	+ 6	— 876	+ 646	— 230
3. Clothing and textiles	— 6	— 3	— 6,048	— 1,028	— 7,076
4. Metals, machinery, etc.	— 4	— 12	— 2,336	— 2,883	— 5,219
5. Printing and binding . . . . .	....	.....	— 404	— 188	— 592
6. Wood working and furniture.	+ 1	— 1	— 724	— 438	— 1,162
7. Food and liquors	— 1	+ 1	+ 115	+ 144	+ 259
8. Theaters and music	— 1	.....	— 117	+ 133	+ 16
9. Tobacco	— 2	+ 1	— 116	— 101	— 217
10. Restaurants, trade, etc.	— 6	— 6	— 1,122	— 656	— 1,778
11. Public employment	+ 1	+ 6	— 283	+ 315	+ 32
12. Stationary engine men	— 1	— 4	— 1,278	— 506	— 1,784
13. Miscellaneous	— 1	— 3	— 341	— 1,106	— 1,447
Total	— 31	— 15	— 28,429	— 9,781	— 38,210

At the end of March there were 25 individual trades which had a union membership in New York State of 4,000 or more, and these are listed below in the order of their aggregate memberships with comparative figures for certain earlier years. A comparison of this table with a similar one for last September (see December BULLETIN, p. 453) shows that all but seven of these, besides three others which were in the September table, lost in total membership during the six months. Six trades lost upwards of 1,000 members. Thus the foremost trade, the carpenters, lost 3,600 members, the hod carriers lost 2,600, the painters, 1,800, the

excavators nearly 6,000 in a single New York City union, the stationary engineers 1,700, and the iron molders 1,300. Among the seven trades in the list which made gains only two increases were conspicuous for size, one of 800 by the coat makers and one of 600 by the trainmen.

NUMBER AND MEMBERSHIP OF UNIONS IN THE PRINCIPAL TRADES.

TRADES.	UNIONS.				MEMBERS.			
	1894.	1906.	1907.	1908.	1894.	1906.	1907.	1908.
Carpenters and joiners.	86	181	187	197	9,021	24,793	31,157	29,198
Hod carriers	27	43	52	50	6,742	16,389	17,958	16,048
Bricklayers and masons.	47	79	82	83	7,738	12,894	13,352	12,673
Painters and decorators.	25	90	97	103	4,458	13,322	13,142	12,540
Excavators .....	....	2	2	2	....	15,400	16,009	10,400
Cigarmakers	47	52	52	52	8,198	10,655	10,068	10,096
Compositors	27	48	43	45	7,068	9,813	9,730	9,508
Team drivers†.....	1	35	38	42	47	7,728	8,268	9,111
Musicians	17	37	36	40	4,584	7,919	8,029	8,891
Trainmen	29	47	45	45	1,521	7,521	8,002	8,826
Machinists	17	61	59	58	1,180	7,518	8,046	8,500
Stationary engineers...	10	64	59	55	939	7,487	9,305	8,497
Brewery workmen‡....	24	54	50	51	3,153	6,827	7,120	7,445
Iron molders.....	30	49	48	45	3,158	7,489	7,543	6,138
Plumbers and gas fitters	*11	48	51	54	*3,895	7,410	6,933	5,988
Coat makers	5	11	9	12	1,756	3,431	3,120	5,732
Actors and chorus singers	2	7	6	5	393	3,488	2,114	5,268
Plasterers	4	14	16	15	2,703	5,354	6,437	5,203
Jacket makers.....	3	4	6	0	2,675	2,800	4,202	5,046
Firemen, locomotive...	31	41	44	42	2,439	4,541	4,768	4,789
Engineers, locomotive..	34	41	42	43	3,241	4,318	4,532	4,789
Electrical workers‡....	2	36	38	42	666	5,310	4,655	4,489
Stationary firemen....	1	15	13	14	36	4,047	4,588	4,293
Telegraphers .....	....	17	15	16	....	3,907	4,849	4,290
Letter carriers	2	85	87	92	1,183	4,053	4,208	4,247

The number of organized working women in the State decreased from 14,231 to 12,775 in the six months October 1, 1907, to March 31, 1908. This decrease of 1,456 is found to have been principally in the clothing trades (—570), among the telegraphers (—330), in the metal trades (—170), and in the printing trades (—120). The number of organized working women decreased 10.2 per cent, as compared with a decrease of 11.5 per cent among union men.

† Includes commission wagon drivers, delivery wagon drivers, express and mail wagon drivers, ice handlers and truck drivers; does not include beer drivers or hostlers employed in municipal departments.

‡ All branches, including grains workers and maltsters.

* Includes steam fitters and helpers.

‡ Includes cable splicers and linemen.

IMMIGRATION AT THE PORT OF NEW YORK.

One effect of the depressed labor market evidenced by the statistics of unemployment elsewhere in this BULLETIN has been a great check upon the influx of foreign laborers, who for a decade have been attracted hither in ever increasing numbers by a rising labor market. As may be seen by Table V of the Appendix the total number of aliens admitted at the Port of New York in the first quarter of 1908 was but 57,007, as compared with 198,379 in the corresponding quarter of the year before. The violence of the change in number of incoming foreigners is indicated by the following comparison.

NUMBER OF ALIEN ARRIVALS AT THE PORT OF NEW YORK.

	1907.	1908.	Increase or decrease 1907.
Second quarter	388,304	337,942	+ 50,362
Third quarter	227,728	200,305	+ 27,423
Fourth quarter	224,789	217,168	+ 7,621
	1908.	1907.	1908.
First quarter	57,007	198,379	— 141,372

It will be seen that a check in the flow of immigration is apparent even in the fourth quarter of 1907, although the financial crisis did not occur till October.

But not only has immigration thus greatly decreased. In quite as striking fashion alien labor already in the country has withdrawn from this market by emigration, thereby reducing undoubtedly the amount of unemployment in this country. It is only since July 1, 1907, that, under the new immigration law of 1907, statistics of aliens departing from the United States have been recorded by the Bureau of Immigration and Naturalization. Through the courtesy of that Bureau it is possible to present in this BULLETIN some statistics of emigration at the Port of New York as well as those for immigration as heretofore (see Appendix, Table VI). The movement of emigration through the Port

of New York for the seven months from July, 1907, to January, 1908, was as follows:

	Total emigrant aliens.	No. from N. Y. State.
Third quarter, 1907.....	66,104	23,522
Fourth quarter, 1907	112,686	37,572
Month of January, 1908.....	34,739	10,231

Corresponding figures for the year before are not available so that the actual increase in emigration cannot be shown. That it has been very heavy, however, is evidenced by the fact that the number of emigrant aliens at the Port of New York alone for the four months, October, 1907, to January, 1908, which is 147,425, as shown above, amounted to 47 per cent of the estimated total of all aliens departed from the whole United States for the entire twelve months ended June 30, 1907, which is 310,000.*

A comparison of the above figures for immigration and emigration shows that during the last quarter of 1907 one-half as many aliens went out at New York City as came in, and that three-fifths as many went out during January alone as came in during the entire first quarter of this year. Of the aliens who emigrated from the Port of New York during the four months from October 1, 1907, to January 31, 1908, nearly 48,000 had resided in New York State.

* See Annual Report of Commissioner General of Immigration, 1907, p. 136.

Statistics of Disputes in January, February and March.

Disputes in 1908 were fewer than in either 1907 or 1906, and were of less importance than in any other of the last six years.

Only five of the disputes which began in the first quarter caused the loss of over 2,000 working days, as compared with six in the same quarter of 1907. The principal facts concerning these disputes follow:

The above five disputes occasioned the loss of 21,901 working days out of a total of 30,002 days lost. The most important dispute in point of time lost was that of the stationary firemen

employed in paper mills at Fort Edward, who struck to resist a reduction in working force.

Of the total number of disputes begun in the first quarter, ten were won by the workmen, three were compromised and two are pending, whereas the employers were successful in nineteen cases. Six attempts by workmen to force an increase of wages were, in every case, unsuccessful, and of eight cases in which reductions of wages were resisted, the employers were successful in five instances, the workmen were successful in two cases and one dispute is still unsettled. The workmen were more successful in enforcing questions of trade unionism, receiving their full demands in five cases and a portion of their demands in two more.

CAUSE OR OBJECT.	NUMBER OF DISPUTES.				Total.	Em- ployees directly con- cerned.
	WON BY — Workers.	Employers.	Com- promised.	Pending or not reported.		
Increase of wages...	.....	6	.....	.....	6	410
Reduction of wages.	2	5	.....	1	8	277
Longer hours.....	.....	1	.....	.....	1	40
Trade unionism.....	5	4	2	1	12	637
Employment of par- ticular classes or persons .....	.....	3	.....	.....	3	141
Working arrange- ments .....	.....	.....	1	.....	1	46
Payment of wages..	3	.....	.....	.....	3	60
Total disputes..	10	19	3	2	34	.....
Employees directly concerned	274	962	346	29	.....	1,611

Intervention by Bureau of Mediation and Arbitration.

During the three months from March 1st to June 1st representatives of the Bureau of Mediation and Arbitration intervened in twenty-one disputes. In two cases intervention occurred before suspension of work, once upon request of the employer and once at the request of employees. In both of these cases no strikes occurred, a final settlement resulting from the Bureau's efforts in one case, while negotiations were still pending in the other on June 1st. The remaining nineteen cases were strikes or lock-outs in which the Bureau intervened of its own motion after stoppage of work. In six of these the intervention was imme-

diately successful in terminating the controversies. There were no arbitration cases during the three months. Following are synopses of the twenty-one interventions for the period:

Astoria: 49 silkweavers struck March 9 to compel the discharge of a superintendent. Bureau intervened on March 9, 16, 19 and 23; conference arranged between employer and committee of workers with the result the employees returned to work March 23, except four who were discharged for unsustained charges against the superintendent or as obnoxious.

Cohoes: 88 carders and spinners in one mill were locked out February 17 because of employee's demand that a discharged union member be reinstated. A communication from the Chief Mediator urging an adjustment by arbitration was presented to each party on March 5, but neither side replied. Places of strikers were filled with non-union hands by March 17.

Cohoes: 25 garnet workers employed in one mill struck March 16 against reduction in wages. Bureau intervened March 19; conference arranged between representatives of union and employer, at which employer offered to take back all former employees whose places had not been filled during strike. Workmen accepted these terms and returned to work March 28.

New York City: 60 boatmen employed by 5 concerns struck February 13 against a reduction in wages from \$50 to \$40 a month. Bureau intervened the first day of the strike; employees agreed to a conference, but employers refused to meet the union representatives. After one week employers agreed to pay the same rate of wages as before strike and the dispute terminated.

New York City: 150 cement workers, waterproofers, electrical workers, tile-layers, carpenters and others employed by one contractor struck March 31 to compel the employment of union electricians. Bureau intervened April 1; conference between union representatives and contractor was arranged, which resulted in the signing of an agreement. Strikers returned to work April 3.

New York City: Cement masons, cement laborers and metal lathers employed on the Williamsburg bridge requested the intervention of the Bureau in a threatened strike. Bureau intervened May 12 and arranged a conference of the engineer in charge and representatives of the unions. Negotiations are still pending but without stoppage of work.

New York City: 52 plasterers employed on the Williamsburg bridge threatened to strike on account of jurisdictional dispute with Tilelayers' Union. Engineer in charge appealed to Bureau. On May 12 Bureau intervened and succeeded in having strike held in abeyance until unions could adjust their differences.

New York City: 28 carpenters and 12 metal lathers employed by one contractor struck April 30 for increase of wages from 40 to 50 cents per hour for carpenters. Bureau intervened May 1; employees agreed to conference but employer refused. On May 2 employees filed complaint with Department of Labor and city comptroller that contractor was not paying prevailing rate of wages on the contract, which was public work. On May 5 representatives of the disputants met and the demands of the workmen were conceded.

New York City: 10 carpenters in one shop struck May 5 against use of non-union wood trim. Bureau intervened May 12 and arranged a conference of the parties, as result of which contractor signed agreement on same day to use union trim.

New York City: 15 housesmiths and bridgemen employed by one contractor struck March 31 against the employment of non-union men. Bureau intervened April 1; conference arranged between representatives of the union and the contractor, as result of which agreement was signed to employ only union men. Dispute terminated April 2.

New York City: 20 mattress makers in one factory struck on January 1 against 20 per cent reduction in wages. Bureau intervened January 24;

employer refused to confer with his employees, stating that on account of industrial depression services of workmen were not needed. A second effort to arrange a conference on March 13 was again blocked by the employer on the same grounds as before.

New York City: 80 mineral water bottlers in 12 establishments struck February 12 for re-employment of discharged union member. Bureau intervened March 2; employees agreed to arbitrate the dispute, but employers refused, proposing instead to reinstate all former employees except 25 and all present employees to join the union. Employees rejected this proposition. Dispute never terminated, but employers reported all places filled on March 16.

New York City: 84 pressmen and feeders in one shop struck October 12 for reduction of hours from 9 to 8 per day. Bureau intervened on March 4, but employer refused to see any of former employees. Establishment is now running as an open shop.

New York City: 350 sheet metal workers, plumbers, carpenters, plasterers, laborers, lathers and others employed in 16 establishments struck May 7 to compel a contractor to unionize his shop. Bureau intervened May 8; employees agreed to return to work if employers would unionize shops and conform to rules of Carpenters' Union of Greater New York. Employers refused. Strike failed, strikers returning to work May 14.

New York City: 150 shirtmakers in one factory were locked out February 6, proprietor expressing the intention to run an open shop. Bureau intervened March 2 and arranged a conference of the parties. While negotiations were in progress factory was destroyed by fire and firm decided not to resume business.

New York City: 45 teamsters employed by one concern struck March 23 against a reduction in wages. Bureau intervened March 25; conference arranged between representatives of union and employer, as result of which employer agreed to reinstate all former employees and to pay former rate of wages. Men returned to work March 26.

New York City: 80 wafer bakers in one shop struck April 30 for increase in wages and recognition of the union. Bureau intervened May 4; efforts for conference met by agreement to confer by employees but refused by employers. Strikers places were filled by new hands and shop was running full-handed by May 13.

Poughkeepsie: 225 carpenters employed by 25 firms struck May 1 to force contractors to sign annual agreement. Bureau intervened May 15 and found that a local conciliation committee had arranged a conference of the disputants. Strike is still pending.

Schenectady: 30 laborers employed by one contractor struck April 1 against the employment of non-union men on another job. Bureau intervened April 1; efforts to bring about a conference of the parties met by a refusal by the contractor on the ground that strikers' places had been filled.

Yonkers: 50 rockdrillers and portable engineers employed by one contractor on public work struck May 4 for the prevailing rate of wages. Bureau intervened May 6; conference arranged between union representative and engineer in charge, but the latter had no power to settle dispute. Efforts to bring about a conference between the chief engineer and the union were met by agreement to confer by employees but refused by chief engineer. Strikers places ultimately filled with new hands.

Yonkers: 150 teamsters struck May 4 to compel employers to sign a trade agreement. Bureau intervened May 6, 7 and 8, but employers refused to meet union representatives. On May 15 employers agreed verbally that wages and hours should remain unchanged and employees returned to work.

Joint Trade Agreements.

Since the publication of the September, 1907, BULLETIN, the following agreements recently entered into have been received by the Bureau of Mediation and Arbitration up to June 1st.

LOCALITY AND TRADE.	Period.	AGREEMENT COVERS —					
		Wages.	Hours.	Union preference.	Apprentices.	Working rules.	Settlement of disputes.
Albany —							
Meat cutters.....	Mch. 2, 1908-9...	*	*	*	—	—	—
Albany and Troy —							
Printing pressmen.....	Nov. 18, 1907-10..	*	*	*	*	*	*
Auburn —							
Brewery engineers.....	May 1, 1908-10..	*	*	*	—	*	—
Auburn and Syracuse —							
Brewery workmen....	{ May 1, 1907 — } { Apr. 1, 1900. }	*	*	*	*	*	—
Buffalo —							
Brewery workmen (drivers)	Mch. 1, 1907-10..	*	*	*	—	*	—
Granite cutters.....	May 1, 1908-9...	*	*	—	*	*	—
Maltsters.....	{ Sept. 10, 1907 — } { Aug. 31, 1900. }	*	*	*	*	*	*
Elmira —							
Painters	Apr. 1, 1908-9...	*	*	*	*	*	—
Geneva —							
Brewery workmen.....	Feb. 15, 1908-10..	*	*	*	*	*	—
Great Lakes (Buffalo) —							
Steam shovel and dredge men.....	Apr. 1, 1908-9...	*	*	*	—	*	*
New York City —							
Bricklayers and masons	Jan 1, 1908-9...	*	*	*	—	*	*
Newspaper and mail deliverers	Dec. 1, 1907-8...	*	*	*	—	*	*
Sheet metal workers..	{ Jan. 28, 1908 — } { Jan. 1, 1901. }	*	*	*	*	*	*
Upholsterers	Sept. 2, 1907-8...	*	*	*	*	*	—
New York, New Haven & Hartford R. R. —							
Telegraphers	Mch. 28, 1908 —..	*	*	—	—	*	*
Newburgh —							
Bakers	May 1, 1908-9...	*	*	*	—	*	*
Poughkeepsie —							
Painters	Apr. 1, 1908-9...	*	*	*	*	*	*
Salamanca —							
Painters	Apr. 1, 1908-9...	*	*	*	—	—	*
Retail clerks.....	Apr. 1, 1908 —..	—	*	—	—	—	—
Yonkers and Mt. Vernon —							
Electrical workers....	Feb. 1, 1908 —..	*	*	*	*	*	*

The highest type of joint trade agreement is that between associated employers on one side and organized workers on the other. Of those listed above the following are in that class and are here reproduced in full.

BUFFALO BREWERY WORKMEN.

Agreement made this first day of March, 1907, between the M. Beck Brewing Co., Buffalo Co-operative Brewing Co., Broadway Brewing Co., Clinton Star Brewery, East Buffalo Brewing Co., German-American Brewing Co., Germania Brewing Co., International Brewing Co., Iroquois Brewing Co., Gerhard Lang Brewery, Lake View Brewing Co., Consumers Brewery, William Simon Brewery, A. Schreiber Brewing Co., C. Weyand Brewing Co., and the Ziegele Brewing Co., as parties of the first part, and the United Brewery Drivers, Helpers and Stablemen of Local Union No. 16, with the full endorsement of the International Union of United Brewery Workmen, as parties of the second part, except the head-stableman.

Section 1. Only members of the Beer Drivers', Helpers' and Stablemen's Local Union 16 are allowed to work in the breweries' transportation department, but it is agreed that in case any one of the breweries or brewing corporations desire to employ a man in every respect competent to perform the work to be performed by the parties of the second part, then and in that case the parties of the second part shall accept and allow such person to become a member of the Union. The initiation fee not to be increased during the term of this contract, and in any such case application for membership in the Union must be made before a man starts to work, and he may be kept to work until his application is finally acted upon. The employer, however, reserving the right to hire and discharge any member of the party of the second part at any time.

Sec. 2. No workman shall be employed on the recommendation of a saloon-keeper or any other person.

Sec. 3. No member shall be discharged in case of sickness if such sickness does not last longer than three months.

Sec. 4. The working hours during the summer months, May, June, July, August, September and October shall be from 5.30 o'clock in the morning until 5 o'clock in the evening, and in the winter months, November, December, January, February, March and April, from 6.30 o'clock in the morning until 5 o'clock in the evening, including one hour and one-half for meals, such hour and one-half to be given at the option of the employer.

Sec. 5. Peddlers must finish their route by 5 o'clock p. m., as no beer will be delivered after that hour, with the exception of Saturdays, when the drivers and helpers shall work until 7 o'clock p. m., if they cannot finish their route before this time, there being no overtime paid.

Sec. 6. Six days shall constitute a week's work.

Sec. 7. On Sunday and holiday mornings, the drivers shall place their horses in proper condition; other work on Sundays and holidays shall be overtime and shall be paid at the rate of his regular scale of wages. There shall be no beer delivered on Sunday by peddlers or any other employees of the breweries and there shall be no horses or wagons of the breweries used to convey the same. Stablemen must do the necessary barn work on Sundays and holidays.

Sec. 8. During the months of December, January, February and March all hands to lay off one day each week, that day to be decided by the parties of the first part and no wages shall be paid for that day. Should any work on that particular day be required, the men employed in the brewery shall be called on alternately to do this work at the common wage rates.

Sec. 9. Thanksgiving Day, Christmas and New Year's Day are to be considered the same as Sunday. All drivers shall work later in the afternoon on the days preceding these holidays. All hands shall receive full pay for Christmas and New Year's weeks.

Sec. 10. The following weekly wages shall be paid: Peddlers with a regular route not less than \$16.00; drivers, \$14.50; stablemen and helpers not less than \$13.00.

Sec. 11. Each peddler, driver or helper receiving more than the above scale of wages, shall continue his present scale of wages.

Sec. 12. This Agreement shall take effect on the 1st day of March, 1907, and shall remain in force until the 1st day of March, 1910.

Sec. 13. If at the end of the term of this agreement a new one shall be desired by either party, a notice of sixty days shall be given before March 1, 1910, and if no new agreement is presented within sixty days, the present agreement shall stand for the same period of time.

This Agreement is signed by all the above-mentioned Breweries.

Indorsed by the International Union of United Brewery Workmen of America.

ADAM HUEBNER, *Secretary.*

Signed by Local Union No. 10.

JOSEPH SCHLAERTH, *President.*

HENRY KRANICHFELD, *Secretary.*

BUFFALO MALSTERS.

This Agreement made on the sixteenth day of September, 1907, between the Malt Manufacturers' Association of Buffalo and Maltsters' Union No. 189 of the International Union of United Brewery Workmen of the United States as follows:

ARTICLE I. That none but men who are members in good standing and in possession of working cards, duly signed by the Secretary, or his proxy, of Maltsters Union No. 189 shall be employed as Maltsters, Elevator or Storehouse laborers by employers, providing such Elevator or Storehouse laborers now employed, can be induced to join such Maltsters' Union No. 189. This does not include engineers, firemen, electricians, mill wrights, machinery men, watchmen or foremen of any department.

ARTICLE II. Nine (9) hours within eleven (11) consecutive hours shall constitute a working day, during which time employees are to perform work of any nature in or about the premises. Maltsters are to perform work in and about Elevator and Elevator men are to perform work in and about the malthouse as may be directed by the foreman or employer. On Sundays and legal holidays such work only shall be done as in the judgment of the employer or his foreman is absolutely necessary. Unloading of cars or boats and shipping of malt on Sundays and legal holidays to be considered necessary work. Legal holidays shall include only the following: Christmas, New Year's Day, Thanksgiving, Fourth of July and Labor Day.

ARTICLE III. Wages for Maltsters shall be sixteen dollars (\$16) per week for the entire malting season, and seven days to constitute a week.

Wages for Elevator hands to be fifteen dollars (\$15) per week for the entire malting season and seven days to constitute a week.

Wages for Storehouse laborers to be thirteen dollars (\$13) per week and six days to constitute a week. If Storehouse work be necessary on Sundays and holidays, the same rate of wages per day to apply. All overtime over and above fifteen minutes over said nine hours to be paid for at the rate of 30 cents per hour for Maltsters and 25 cents for Laborers. There is nothing in this contract that requires or obligates the division of one or more absent employees' pay with the other employees and any demands of this nature will be considered as a breach of contract.

ARTICLE IV. One maltster apprentice (regardless of age) may be employed to every eight maltsters. The wages of said apprentice to be not less than \$13 per week. Said apprentice to join Maltsters' Union No. 189 immediately. No malthouse to employ more than two apprentices.

ARTICLE V. The employer reserves the right to hire and discharge any employee as he may see fit at any time.

ARTICLE VI. In the event of vacancies in the malthouse, such vacancies to be filled from members of Maltsters' Union No. 189 only upon presentation of Union cards, or from Elevator hands or Storehouse laborers at the

option of the foreman or employer. The selection of such men to be entirely at the option of the employer or his foreman. Should the Union be unable to furnish competent and satisfactory men, then the employer or his foreman shall have the right to engage non-union men, who shall be taken into Union No. 189 as soon thereafter as possible.

ARTICLE VII. No strikes to be inaugurated or maintained. All disputes to be referred to an arbitration committee for adjustment. Said committee to consist of two members of The Malt Manufacturers Association of Buffalo, two members from Maltsters Union No. 189, and these four to select the fifth member, if necessary. Their decision to be final.

ARTICLE VIII. Maltsters having malt manufactured on commission in other malthouses, shall see that said houses employ none but union men.

ARTICLE IX. Drum washers shall receive from the firm by whom they are employed a rubber suit free of charge.

ARTICLE X. All members satisfactorily employed at the different malthouses at the close of the season, shall be entitled to employment in said houses at the opening of the new season.

ARTICLE XI. No business man or person recommended by a saloon keeper can be employed in the malthouse.

ARTICLE XII. This contract to remain in force for two (2) malting seasons, ending August 31, 1909. Upon the expiration of same, all future arrangements between the parties mentioned in this contract to be made ten days previous to the expiration of same.

ARTICLE XIII. All malthouses employing more than four night maltsters shall be entitled to engage a non-union night foreman, if so desired, who shall be allowed to perform such work personally as his employer deems necessary.—This article is not to be construed in anyway as prejudicial to employing a union man in this position.

ARTICLE XIV. No employee to vacate his position during the malting season without permission from the Secretary of the Union, who will furnish a substitute satisfactory to his employer before allowing said employee to go.

ARTICLE XV. No beer to be brought in the malthouse except during lunch periods. It must then be confined to the lunch rooms and not be consumed on the malting floors or other work rooms.

The within agreement to take effect immediately.

NEW YORK CITY BRICKLAYERS.

The Mason Builders' Association, of which Mason Builders' Local No. 1 is herein declared and understood to be a constituent part, hereby enters into the following Agreement with the Bricklayers' Unions, Nos. 1, 3, 4, 7, 9, 11, 29, 32, 33, 34, 35, 40, 41, 53 and 72, of New York City and Long Island.

I.

That the wages of the Bricklayers from January 1, 1908, to January 1, 1909, be seventy cents per hour; the hours of labor to be from 8 A. M. to 5 P. M., exclusive of the noon hour, except on Saturdays, when the hours of labor shall be from 8 A. M. to 12 M. This Agreement shall expire on January 1, 1909.

II.

That these Unions, as a whole or single Union, shall not order any strike against the members of the Mason Builders' Association, collectively or individually; nor shall any number of Union men leave the works of a member of the Mason Builders' Association; nor shall any member of the said Association lock out his employees until the matter in dispute is brought before the Joint Arbitration Committee and settled.

III.

That no members of these Unions shall be discharged for inquiring after the cards of the men working upon any job of a member of the Mason Builders' Association, nor will the Business Agent be interfered with when visiting any operation where Bricklayers are employed.

IV.

Except when to leave the work would endanger life or property, no work shall be done between the hours of 7 and 8 A. M. and 5 and 6 P. M., nor on Saturdays from 12 M. to 6 P. M.

All overtime shall be paid at double rate. Overtime means all time between 1 P. M. on Saturday and 8 A. M. on Monday; also all time between 5 P. M. and 8 A. M. on other days, and the secular days on which the following legal holidays are generally observed: New Year's Day, Washington's Birthday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

V.

Members of the Mason Builders' Association must include in their contract for a building all cutting of masonry, interior brickwork, the paving of brick floors, the installing of concrete blocks, the brickwork of the damp-proofing system and all fire-proofing—floor arches, slabs, partitions, furring and roof blocks—and they shall not lump or sublet the installation, if the labor in connection therewith is bricklayer's work as recognized by the trade, the men employed upon the construction of the walls to be given the preference.

That all cutting of masonry be done by those best fitted for the work and that the members of the Mason Builders' Association make the selection; but cutting of all brickwork, fire-proofing, terra cotta, concrete arches and partitions, as well as the washing down and pointing up of front brickwork and terra cotta, shall be done by bricklayers.

VI.

Each Bricklayer shall provide himself with a kit of tools, consisting of trowel, brick-hammer, hand-hammer, level, plumb rule, bob and line and chisel, for which a suitable tool-house shall be provided for the exclusive use of bricklayers; and in addition a suitable tool-box shall be provided above the sixth floor in buildings of ten stories or more.

Bricklayers must be covered when work is in progress directly above them.

VII.

That the Bricklayers be paid every week before 12 M. Saturday; pay time to close the Thursday before pay day. In the event that the men are paid on Friday, they shall be paid before 5 P. M.

VIII.

When bricklayers are laid off for any cause, they shall, upon their request for payment of wages, be paid in cash or office order. An office order entitles a bricklayer to one-half hour's pay in addition to the amount due for work performed, and must be honored within one hour of the time of lay-off. When bricklayers are to be discharged, they must be notified during working hours, and must be paid at the job immediately. A violation of this rule entitles a bricklayer to compensation at working rates for the working time that elapses between the time of discharge and the time of receiving his money, provided the claimant remains at the job or office during all working hours until he is paid. When Saturday afternoon occurs in the elapsed time above mentioned, it shall be paid for at double rates up to 5 P. M. If a bricklayer is discharged at 8 A. M., he shall receive one hour in addition to the working time due. This does not apply to a lay-off.

IX.

That any member of these Unions, upon showing his card for membership, be permitted to go upon any job when seeking employment, unless notified by a sign, "No Bricklayers Wanted"; and that employment be given exclusively to members of the Unions that are parties to this agreement. The Shop Steward or Business Agent shall determine who are members of these unions. It shall not be the duty of the foreman to ask any man to what Union he belongs. If the Shop Steward be discharged for inspecting the

cards of bricklayers on a job, or for calling the attention of the foreman to any violation of the Agreement, he shall be at once reinstated until the matter is brought before the Joint Arbitration Committee for settlement. The foreman must be a practical bricklayer.

X.

(No member of these Bricklayers' Unions shall work for anyone not complying with all rules and regulations herein agreed to.) No laborer shall be allowed upon any wall or pier to temper or spread mortar, which shall be delivered in bulk; said mortar to be spread with a trowel by the Bricklayers, who shall work by the hour only.

XI.

If a building shall be abandoned for any cause on which the wages of any members of these Unions are unpaid, no member of the Master Builders' Association shall contract to complete the same until this debt is paid by the original or subsequent owner, or provided for in the contract. If a member of the Mason Builders' Association is prevented from carrying out his contract on a building, through insolvency of the owner, or any other cause no member of these unions shall work on said building until the Mason Builders' contract has been equitably adjusted. Notice in writing, stating amounts in dispute, must be filed with the Secretary of the Mason Builders' Association within four weeks of the stoppage of work, giving full particulars, the Secretary to give proper notice to these Unions and their representatives at the beginning and ending of the question in dispute.

XII.

That the Joint Arbitration Committee meet on the fourth Thursday in every month, or at the call of the Chair on either side; and that the fourth Thursday in September, 1908, be a special meeting for the consideration of the yearly Agreement, which must be signed on or before January 1, 1909, on which date it shall take effect.

Any matter of mutual interest may be considered by this Committee.

XIII.

Notwithstanding anything apparently to the contrary in this Agreement, it shall be distinctly understood that any decisions of the General Arbitration Board of the Building Trades Employers' Association and the Unions, parties to the Arbitration Plan, shall govern in the matter of jurisdiction of trade.

It is mutually agreed by the parties hereto that the Arbitration Plan adopted at a conference held July 3, 1903, between the Board of Governors of the Building Trades Employers' Association and the representatives of the Labor Unions, with explanatory clauses as adopted by the joint conference on July 9, 1903, is hereby made a part of this Agreement and binding on all parties thereto.

For Mason Builders' Association.

Frank E. Conover, *Chairman*; Francis M. Weeks, Otto M. Eidlitz, George Wills, William Crawford, Alexander Brown, Jr., Thomas B. Leahey, F. J. Ashfield, Arthur Stone, C. C. Woodruff, M. J. Dowd, William Kennedy, F. T. Youngs, Edward Choate, J. C. Vreeland, Ely Greenblatt.

For Bricklayers' Unions,

No. 34, Fred James, *Chairman*; No. 1, William D. Hanigan; No. 3, Richard B. Moore; No. 4, James Birchall; No. 7, Joseph Doody; No. 9, Tony Wengert; No. 11, William Klein; No. 21, William J. Cronin; No. 29, Charles C. Brown; No. 32, Clarence E. Wood; No. 33, Luke A. Burke; No. 35, Wm. Schmit; No. 37, Lawrence McCabe; No. 40, W. Sloane; No. 41, F. R. Harper; No. 72, Ben. F. King.

NEW YORK CITY MASON'S LABORERS.

In the preliminary report¹ of the Bureau of Mediation and Arbitration for 1907 the suggestion was made that a plan of considerable promise, with reference to the problem of successful collective bargaining in the case of unskilled labor which is employed in connection with skilled workmen, was that which has been already adopted in some cases, consisting of the negotiation of terms of employment for the unskilled by the skilled trades. In connection with the suggestion was reproduced as an illustration an agreement between the Mason Builders' Association and the Bricklayers' Unions of New York City, covering terms of employment for the Masons' Laborers Union Protective Society for the season of 1906. A further document illustrative of such proxy method of fixing terms of employment for unskilled workmen may be seen in the following agreement for 1907 between the masons' laborers and bricklayers' unions of New York City. The most significant feature of this agreement appears in Section VI, which prohibits the laborers from striking, thus reserving to the bricklayers exclusively the enforcement of observance by employers of the terms embodied in the agreement.

Agreement made and entered into between Bricklayers' Executive Board of Greater New York and the Laborers' Union Protective Society of the Boroughs of Manhattan, Bronx, Brooklyn and Queens.

NEW YORK, April 25, 1907.

Section I.—That the wages of the members of the L. U. P. S. shall be 37½ cents per hour for eight hours per day for five days, and four hours on Saturday, and the hours of labor shall be from 9 A. M. to 5 P. M. for five days, with one hour for lunch; the lunch hour to be from 12 M. to 1 P. M. The hours of labor on Saturday from 8 A. M. to 12 M.; all other time shall be considered overtime, and be paid for at the rate of time and one half, except the lunch hour. Sundays and the following holidays: Washington's Birthday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day shall be paid for at the rate of double time.

Section II.—That all foundations, concrete deafening of floors and all rough concreting above all block or brick arches, and all rough concreting of cellar floors, signalling for the hoisting or lowering of building materials, wheeling or carrying bricks or mortar and all Metropolitan systems of fire-proofing, cleaning floors, handling building materials in or about the building under construction, also scaffold building and center hanging for Bricklayers to work on, men mixing, tempering or distributing mortar shall start at ten minutes before 8 A. M. and five minutes before 1 P. M.

Section III.—That the concreting of all caissons shall be done by members of the L. U. P. S., and shall be governed by the above rules, caissons where air locks are used excepted. Caissons where air locks are used, three shifts

¹ Accompanying the Seventh Annual Report of the Commissioner of Labor presented to the Legislature January 1, 1908, p. 95.

are permitted, eight hours to a shift, with half hour for lunch, the lunch time to be paid for, Sundays and holidays are to be paid for at the rate of double time.

Section IV.—That when Bricklayers commence on a job and hand pumps are used for pumping water, members of the L. U. P. S. shall have exclusive right to operate the same.

Section V.—That no person shall act as foreman over members of L. U. P. S., only Bricklayers or members of the L. U. P. S., who shall receive added compensation.

Section VI.—That no members of L. U. P. S., collectively or individually, shall order, or be the cause of a strike; that the Walking Delegate may appoint a Shop Steward who shall not be discriminated against, whose duty shall be in the absence of the Walking Delegate to see that this agreement is not violated, and when he sees any violations of the rules of agreement he shall have the attention of the person in charge and Bricklayers Shop Steward drawn to the same; if the violations are continued he shall immediately notify the Walking Delegate of the same.

Section VII.—That no member of the L. U. P. S. shall be discharged for examining the cards of men working on any job of the said employer, nor shall the Walking Delegate be interfered with when visiting any of his jobs.

Section VIII.—That members of the L. U. P. S., when laid off, shall be paid on request, either by cash or by order upon the office; if the latter he shall receive one hour in addition to actual time work. In case of failure to receive his pay within one hour of time of lay off, he shall receive waiting time up to the receipt of his pay. If discharged he shall be paid at once on the job; failure of which will entitle him to waiting time as above.

Section IX.—That the members of L. U. P. S. be paid every week, between the hours of 12 M. and 1 P. M. on Saturday; in the event of the men not being paid by 1 P. M., they may claim waiting time until the receipt of pay.

NEW YORK CITY ROOFERS AND SHEET METAL WORKERS.

Agreement between the Employers' Association of Roofers and Sheet Metal Workers of Greater New York and Adjacent Cities, the Masters Steam and Hot Water Fitters' Association, the Association Manufacturers of Metal Covered Doors and Windows, the Metal Ceiling Association of New York, and the Amalgamated Sheet Metal Workers' International Alliance, Local Union No. 11 of Greater New York and vicinity.

Rules.

Working Day.

RULE No. 1.—The working day shall consist of eight (8) hours, between eight (8) o'clock A. M. and five (5) o'clock P. M., with one hour for lunch, except on Saturday when this time shall consist of four (4) hours, between eight (8) o'clock A. M. and twelve (12) o'clock noon.

The working day above named shall be known as the regular time, and shall be time actually employed at work.

Rate of Wages.

RULE No. 2.—Regular time shall be paid for at the rate of four dollars and fifty cents (\$4.50) per day of eight (8) hours; fractions of days shall be paid at corresponding rates.

This clause to apply to the Master Steam and Hot Water Fitters' Association, the Employers' Association of Roofers and Sheet Metal Workers of Greater New York and adjacent cities and the Association of Manufacturers of Metal Covered Doors and Windows.

The wages to be paid by the Metal Ceiling Association to Journeymen's Metal Ceiling men shall be four dollars (\$4.00) per day from the 13th of September, 1905, to March 1, 1906; four dollars and twenty-five cents (\$4.25) from March 1, 1906, to September 1, 1906; then the wages shall be four

dollars and fifty cent (\$4.50) per day of eight (8) hours and shall continue until January 1, 1908.

Rate for Overtime and Holidays.

RULE No. 3.—Any work done between five (5) o'clock P. M. and eight (8) o'clock A. M., and on Sundays, New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Election Day, Thanksgiving Day, Christmas Day, and the Saturday half-holiday, shall be paid for at double the rate of regular time, commencing at the hour at which the men report for work by direction of their employer.

Method of Payment.

RULE No. 4.—All workmen shall be paid at or before twelve (12) o'clock noon on Saturday for the week ending the Thursday or Friday previous; payment to be made at the option of the employer, either on the job or at the shop.

Men waiting for wages after twelve (12) o'clock noon shall be paid double time, except in case of an unavoidable delay.

Apprentices.

RULE No. 5.—Every shop shall have the privilege of employing one (1) apprentice to every four men, but no shop shall have more than five (5) apprentices. Shops employing more than twenty-five (25) men to be furnished with one (1) junior for every additional five (5) men employed, but no shop to have more than five (5) juniors. Should the Union fail to furnish the necessary number of juniors, the employer shall be entitled to employ helpers in the shop to make up the number; but as soon as the Union is able to furnish the required juniors, the said helpers must be laid off. The rate of wages for juniors to be not less than nine dollars (\$9.00) per week.

In the Metal Ceiling branch, every employer shall have the privilege of employing one (1) apprentice to every two (2) journeymen employed.

These apprentices to work under a graduated scale of wages, as follows:

First six months.....	\$1 50 per day
Second six months.....	1 75 " "
Third six months.....	2 00 " "
Fourth six months.....	2 50 " "
Fifth six months.....	2 75 " "
Sixth six months.....	3 00 " "
Seventh six months.....	3 25 " "
Eighth six months.....	3 75 " "

The amount of his wages to be designated on his working card.

At the end of four (4) years, he shall become a journeyman and receive journeyman's wages.

When an employer takes on a boy as an apprentice, he shall at once notify the Local Employers' Association, of which he is a member, who shall at once notify the Union.

The Employers' Association of which he is a member will issue to the apprentice a card which shall be endorsed by the Union, which card will entitle him to work as an apprentice, the time of his apprenticeship shall commence from date of notification and date of card. No candidate for apprentice to be more than twenty-one (21) years of age.

An apprentice shall be at all times under the control of his employer in regard to wages, actions, etc.

An apprentice shall at the end of four (4) years be entitled to a journeyman's card, provided he has passed the regular examination and has paid to the Union the regular initiation fee.

Each apprentice shall have twelve (12) consecutive months' work in the shop during the term of his apprenticeship. No more than one (1) apprentice to four (4) journeymen can be used in the shop.

Limit Where Workmen are to be 8 A. M.

RULE No. 6.—Each workman shall be paid from the time at which he arrives at his work within a radius of ten (10) miles from New York City Hall. In going to work located outside of this territory, each workman shall at eight (8) o'clock A. M. be at the above limits, and thence proceed as rapidly as possible to his work.

Expenses Allowed to Workmen.

RULE No. 7.—Any workman working outside of the limits described in Rule No. 6 shall receive from his employer traveling expenses to and from the place at which the work is located, for as many trips as he is directed by his employer to make. He shall also receive amount of board paid by him, and he shall receive regular wages for all regular time consumed in travel.

Workmen Leaving Work.

If the workman leaves his work before it is completed and without consent of his employer, it shall be at his own time and expense.

Workmen Outside of Limit Expenses.

RULE No. 8.—Each workman working outside of the limits described in Rule No. 6 shall at the option of his employer board at the place where his work is located, or go to and from his home daily. If the latter plan is adopted, he shall receive from his employer all extra traveling expenses actually incurred.

Workmen's Fare.

RULE No. 9.—In going from the shop to his work, or from the work to the shop, a distance of more than one mile, each workman shall receive from his employer his necessary fare.

Outside of Boroughs.

RULE No. 10.—If the workman is sent to his work to a point outside of the Borough in which his employer's shop is located, unless it be to the Borough or place in which he resides, he is to receive necessary fares outside of the Borough in which his employer's shop is located.

Workmen Going to Work Outside of Limits.

RULE No. 11.—Workmen going to their work outside of the limits named in Rule No. 6, shall take a boat, train or car leaving either of the extreme points of the district, as directed by their employers, going on boat, train or car leaving nearest eight (8) o'clock A. M., and returning take the boat, train or car leaving nearest five (5) o'clock P. M.

Helpers.

RULE No. 12.—The employer shall be permitted to employ one (1) helper to every two (2) journeymen he employs in the erection of work. These helpers shall be permitted to use the dolly bar, screw driver and monkey wrench; under no conditions, other than those described above, shall a helper have the right to use tools.

On corrugated iron jobs when more than ten (10) men are employed, the employer shall be permitted to employ extra juniors, instead of helpers, when the Union can furnish same.

This rule does not apply to the Metal Ceiling Trade.

Derricks.

In buildings where derricks are already in place, which are the property of other employers, and which have been used for hoisting material not pertaining to the Sheet Metal Trade, employers may use said derricks and their attendants for hoisting only. Employers may also use their own derricks.

Territory.

RULE No. 13.—Within the City of Greater New York and the territory west of the Hudson river to the line of the Hackensack river and north thereof to a point opposite the northern line of Greater New York, the members of the Employers' Association of Roofers and Sheet Metal Workers of Greater New York and Adjacent Cities, the Master Steam and Hot Water Fitters Association, the Association Manufacturers of Metal Covered Doors and Windows, and the Metal Ceiling Association of New York will not employ any person, either directly or indirectly, to do sheet metal work in connection with this agreement, who is not a member in good standing of the Amalgamated Sheet Metal Workers International Alliance, Local Union No. 11, of Greater New York and Vicinity; member's standing to be ascertained by his working card, and members of the Amalgamated Sheet Metal Workers' International Alliance, Local Union No. 11 of Greater New York and Vicinity, shall not work for any employers who are not members of the Employers' Association of Roofers and Sheet Metal Workers of Greater New York and Adjacent Cities, Master Steam and Hot Water Fitters' Association, the Association Manufacturers of Metal Covered Doors and Windows, the Metal Ceiling Association of New York, or who are not regularly engaged in the business of constructing and erecting sheet metal work in connection with the work covered by this Agreement, unless they sign and conform to all the above rules.

Control of Territory by S. M. W. U.

So far as this rule applies to the employment of members of the Amalgamated Sheet Metal Workers' International Alliance, Local Union No. 11 of Greater New York and Vicinity, in territory west of the Hudson river to the line of the Hackensack river and north thereof to a point opposite the northern line of Greater New York same shall be binding upon the members of the Employers' Association of Roofers and Sheet Metal Workers of Greater New York and Adjacent Cities, the Master Steam and Hot Water Association, the Association Manufacturers of Metal Covered Doors and Windows, and the Metal Ceiling Association of New York, so long as the said territory is under the control of the said Amalgamated Sheet Metal Workers' International Alliance, Local Union No. 11, of Greater New York and Vicinity; but should labor troubles exist in the said territory which cannot be handled by the said Amalgamated Sheet Metal Workers' International Alliance, Local Union No. 11 of Greater New York and Vicinity, and which interferes with work being done by any member or members of the Employers' Association of Roofers and Sheet Metal Workers of Greater New York and Adjacent Cities, the Master Steam and Hot Water Fitters' Association, the Association Manufacturers of Metal Covered Doors and Windows, and the Metal Ceiling Association of New York; then the question as to what Union mechanics shall be employed in said territory is to be left to arbitration, and the employer has the privilege of continuing his work pending the decision of the Arbitration.

Foremen.

RULE No. 14.—All foremen who work at the bench or do mechanical work other than actual pattern cutting shall be members of the aforesaid Union.

Agreement.

NEW YORK, September 18, 1905.

Abbreviation of Title.

CLAUSE I.—It is hereby mutually agreed that where the title "Sheet Metal Workers' Union" is mentioned in the following agreement, it refers to the Amalgamated Sheet Metal Workers' International Alliance, Local Union No. 11 of Greater New York and Vicinity; and where "Employers'

Associations" are mentioned, it refers to the Employers' Association of Roofers and Sheet Metal Workers of Greater New York and Adjacent Cities, the Master Steam and Hot Water Fitters' Association, the Association Manufacturers of Metal Covered Doors and Windows, and the Metal Ceiling Association of New York.

Work Covered by this Agreement.

CLAUSE II.—All sheet metal work in connection with buildings and structures, including hollow metal sash and frames, skylights, cornices, crestings, awnings, heating and ventilating pipes, ducts, covering of wood sash and frames, the applying of metal to ceilings and side walls, the furring and sheathing of same, and such other sheet metal work of No. 10 gauge and lighter not herein specified, that has been regarded in the past as belonging to the Sheet Metal Workers' Union; also the glazing of skylights with rough or ribbed glass shall be made and erected by members of the Amalgamated Sheet Metal Workers International Alliance, Local Union No. 11, of Greater New York and Vicinity, or members of such other unions as may be affiliated with and work in harmony with Local No. 11. In the manufacture of drawn metal work, the work of members of the Sheet Metal Workers' Union shall be confined to the cutting and forming of the metal before same is applied to the wood, and any soldering that may be necessary in the finishing of the assembled parts. And

Preference.

CLAUSE III.—It is further mutually agreed that in the placing of workmen, the Sheet Metal Workers Union shall give the preference at all times to the members of the Employers' Associations. And

Shortage of Men.

CLAUSE IV.—In cases where the Sheet Metal Workers Union cannot supply men enough to do the work, after a demand for men has been made by a member or members of the Employers' Associations, the question shall be referred to the trade Arbitration Board, and if found by the Board that the Union is unable to supply the necessary men, said member or members of the Employers' Associations shall be allowed to employ men, who must become members of the Sheet Metal Workers Union, if competent to pass the examination. And

Board of Arbitration.

CLAUSE V.—It is further mutually agreed that a permanent Board of Arbitration shall be established between the Union and each of the Employers' Association, the said Board to consist of four (4) members of the Employers' Association and four (4) members of the Sheet Metal Workers Union, whose term of service shall be not less than six (6) months. At least two (2) of the Arbitrators representing the Sheet Metal Workers' Union shall at the time of their selection have been in the continuous employ of one or more members of the Employers' Association for at least three (3) months next preceding.

Business Agent Ineligible as Arbitrator.

CLAUSE VI.—It is further mutually agreed that the Walking Delegates, or Business Agents, of the Sheet Metal Workers Union will not be eligible as Arbitrators. And,

Disagreement as to Intent of Rules or Agreement.

CLAUSE VII.—It is further mutually agreed that in case of a disagreement as to the true intent and meaning of any of the Rules of Agreements, that the same shall be submitted for decision to the said permanent Board of Arbitration. And,

Violation of Rules.

CLAUSE VIII.—It is further mutually agreed that in case any of the Rules or Agreements are violated by either of the parties to this Agreement, or by any of its members that then no strike or lockout against any member or members of either of the Associations shall be ordered or put into operation without first submitting the grievance or question at issue to the permanent Board of Arbitration.

Procedure of Board of Arbitration.

The first meeting of the permanent Board of Arbitration shall take place within two (2) working days after notification in writing by the Secretary, or authorized representative of the Association, claiming a grievance; and, should the permanent Board of Arbitration fail to agree after three (3) consecutive daily meetings, said permanent Board of Arbitration shall select an umpire and each side shall make its argument before the umpire, who shall be requested to render a decision within two (2) working days thereafter, and said decision shall be final and binding upon all parties hereto. And,

Credentials.

CLAUSE IX.—It is further mutually agreed that at all times during the term of this agreement proper credentials shall be furnished by the Sheet Metal Workers' Union whereby the accredited representatives of the Employers' Associations shall have the right to examine the working card of members of the Sheet Metal Workers' Union, as well as to ascertain whether the Rules and Agreements are being conformed to. And,

CLAUSE X.—It is further mutually agreed that both parties to this Agreement shall abide and be governed by the Arbitration Plan adopted at a Convention of the Building Trades Employers' Association and the Unions of Buildings Trades of the city of New York, held on April 22, 1905.

CLAUSE XI.—It is further mutually agreed that this agreement and the rules hereto attached shall remain in force until the first day of January, 1910, with the understanding that either party may at any time ask for a change in any part of the agreement or rules to take effect six months later. Such desired change to be made only if all parties to the agreement consent to the same.

Notice in writing of any desired change in this Agreement of the rules hereto attached shall be given by the Secretary of any one Association to the Secretaries of the other Associations, and the written receipt therefor shall be the evidence of such notice.

A committee to consider changes or renewal of agreement and rules, in accordance with this clause, shall be selected by the several Employers' Associations and the Amalgamated Sheet Metal Workers' Alliance, Local Union No. 11; said committee shall have full power to negotiate and sign any changes in this agreement or rules or a new agreement.

This committee shall meet to consider changes to or renewal of this agreement or rules within one week after notice has been served in the manner described above.

CLAUSE XII.—It is further mutually agreed that before these rules and agreements go into effect, they must be ratified by the Building Trades Employers' Association.

IN WITNESS WHEREOF, The Associations named above have caused their proper committees, having full power to sign these presents this 28th day of January, 1908.

For the Employers' Association of Roofers and Sheet Metal Workers of Greater New York and Adjacent Cities:

[SEAL]

(Signed)

THOMAS P. FLANAGAN,
CHAS. H. BUELL,
GEO. BROWN, JR.

For the Master Steam and Hot Water Fitters' Association:

[SEAL] (Signed) C. N. BRIZU,
GEORGE A. SUTER.

For the Association Manufacturers of Metal Covered Doors and Windows:

[SEAL] (Signed) J. F. BLANCHARD,
C. G. NORMAN.

For the Metal Ceiling Association of New York:

[SEAL] (Signed) GEO. C. BAERLOCHER.

For the Amalgamated Sheet Metal Workers' International Alliance, Local Union No. 11 of Greater New York and Vicinity:

[SEAL] (Signed) FRED PAULITSCH,
JAMES SMITH,
HARRY H. HARRISON,
THOMAS J. BUTLER,
T. A. HUGHES,
PETER BAUSEMANN,
JULIUS GERBES,
EDWARD RYAN,
GEO. K. LLOYD.

SYRACUSE AND AUBURN BREWERY WORKMEN.

Agreement between the Proprietors of Bottling Houses and Brewery Establishments of Syracuse, N. Y. and Auburn, N. Y., and Brewery Workers Union No. 11 of Syracuse, N. Y.

Brewery Workers Union No. 11, sanctioned by the Local Trades and Labor Assembly and the International Union places the following conditions:

1. All employees of ale and lager beer breweries and bottling shops, including assistant foreman and night watchman, must be members in good standing of Local Union No. 11.

When employers need help, members of L. U. No. 11 and Auburn Branch No. 1 shall have the preference.

An employee shall have the right to change his situation at any time.

2. Should an employee be unable to work on account of sickness, he shall be entitled to his former position when he regains his health.

3. All men, excepting those working at the kettle, shall work from 8 A. M. until 5 P. M. each day, except that they shall be allowed one hour at noon for dinner, which time shall constitute a day's labor, and six days shall constitute a week's work. For three (3) months during the dull season in the winter five (5) working days shall constitute a week's work with five days pay, so that during said 3 months all hands may lay off one day each week, which shall be fixed by the bosses. Should any work be required on that particular day, the men can be called on alternately to perform the work on that day at the common wage rates. Overtime work during above-mentioned dull season shall not be allowed. No employee shall be laid off during the entire year.

4. The working hours for night watchmen are from 6 P. M. until 6 A. M. Each night watchman shall be entitled to a vacation of one week (7 days) with full pay, the vacation may be taken at one time. Night watchmen are not allowed to do any kind of brewery work.

5. The following days shall be considered legal holidays, viz: Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas and New Years. No work to be done on these days, but regular wages to be paid in full.

6. No member of a committee executing orders in the interest of the union is to suffer on account of the discharge of his duties as such.

7. No union men to be discharged without good reasons.

8. Brewery proprietors agree to use union made malt only.

9. The scale of wages to be as follows:

Employees in the washhouse.....	\$15 00	per week
Night watchman	15 00	"
Employees in the fermenting room.....	17 00	"
Employees in the cellar and haspulant.....	17 00	"
Washhouse boss	17 00	"
Overseers at the kettle, fermenting room and cellar	19 00	"
(No matter if only one man is employed in these departments.)		
First man in bottling shops not less than....	16 00	"
All other help in bottling shops not less than.	14 00	"

Present higher wages shall not be reduced.

All weekly overtime must be paid for at 50 cents per hour, and Sunday work at 70 cents per hour.

Overseers wages for Sunday shall be paid accordingly.

10. When ten (10) or more men are employed in a brewery, an apprentice may be engaged, providing however, that no member of L. U. No. 11 or Auburn Branch No. 1 be out of employment, the same shall not be less than seventeen (17) or more than twenty-one (21) years of age. Wages for an apprentice shall be eleven (11) dollars per week for the first year and thirteen (13) dollars per week for the second year.

11. Wages shall be paid weekly and beer served free of cost as heretofore.

12. Each bottling firm, employing one or more inside Union man, has the right to employ one boy, said boy to become a member of this Union at the age of 18 years. No Union bottler to be laid off as long as a boy is kept working.

13. Managers in bottling shops are not allowed to do work belonging to the men.

14. In case of absence of any first man, the man who takes his place shall receive the same pay as first help.

15. All these stipulations to go into effect as soon as signed, dating from May 1, 1907, and shall remain in force for twenty-three (23) months, until April 1, 1909.

Signed for the INTERNATIONAL UNION OF UNITED BREWERY WORKMEN,

A. J. KUGLER,

Member of the International Executive Board.

Signed for the LOCAL UNION No. XI,

LOUIS GERST,
CHARLES GOPPELT,
JACOB KASTLE,

Committee.

Signed for the firm GEORGE ZETT BREWERY

By GEO. ZETT, *President.*

MOORE & QUINN,
BARTELS BREWING CO.,

Per J. R. CONWAY, *President.*

HABERLE-CRYSTAL SPRING BREWING CO.,

By EDWIN C. HALL, *Treas. and Gen'l Mgr.*

GREENWAY BREWERY,

By MARTIN O'MELIA, *President.*

THOMAS RYAN'S CONSUMERS BREWING CO.,

By THOMAS RYAN, *President.*

FRIEDEL & GEBHARDT,
A. V. ALTMANN & SONS.

For Auburn—

C. A. KOENIG & CO.
WILDNER & CO.,

Per G. WILDNER.

INDEPENDENT BREWING CO.,

By A. J. LAUER, *Sec'y and Treas.*

Endorsed by the CENTRAL TRADES AND LABOR ASSEMBLY of Syracuse, N. Y., and Vicinity.

FACTORY INSPECTION.

For the first quarter of 1908 regular inspections by the Bureau of Factory Inspection numbered 14,920 as compared with 12,521 in the first three months of last year. (See Appendix Table VII.) This increase was due chiefly to a far larger number of inspections of tenement buildings licensed for home work. There were 4,539 such inspections this year against 1,830 last. About 500 more bakeries were inspected this year than last also. About the same number of laundries were inspected. The increased work in the above lines necessitated fewer inspections of "factories," as distinguished from laundries, bakeries and tenement buildings, the number this year being 8,843 as compared with 9,536 in 1907.

Complaints sufficiently formal and definite to warrant special investigation numbered only 47 in the first quarter of this year as compared with 229 a year ago.

Prosecutions (see Appendix, Table XI) for violation of law begun during the three months numbered 177, which together with 98 which were pending on January 1 makes a total of 275 before the courts during the quarter. Of these 159 were brought to a termination during the quarter, resulting in 110 convictions, in 62 of which fines were imposed amounting to \$1,420. Recourse to "tagging" in order to stop work until the law's requirements as to cleanliness or sanitary regulations are complied with (see Appendix, Table VII) was taken in case of 13 tenement buildings, 134 tenant factories and 3 bakeries. In 5 cases the use of unsafe machines was prohibited by notice until proper safeguards should be provided.

The number of accidental injuries to workmen in factories, quarries and tunnel construction reported during the first quarter of this year (see Appendix, Table X) was 3,402 as compared with 4,585 in the first quarter of 1907. Fatal accidents numbered 60 as against 75 last year. This decrease in number of reported accidents is to be accounted for as the natural result of the greatly reduced working forces in factories in 1908 as compared with 1907.

Applications for tenement building licenses for purposes of home manufacturing (see Table IX in Appendix) numbered 602

for the first quarter of 1908, all but 8 in New York City. After due investigation 577 licenses were granted (all but 8 in New York City). Fifty-one licenses were surrendered during the quarter, however, and one was revoked for unlawful conditions found on inspection, so that the number of outstanding licenses increased by 525, making a total on March 31st of 9,280 (8,766 in New York City).

The number of children's employment certificates issued by the health authorities in first and second class cities during January, February and March (see Appendix, Table VIII) was less this year than last in each of the eight cities outside of New York City except in Troy and Yonkers. But in New York City a surprising increase appears from 3,669 last year to 4,840 this year. This increase is found to have been mainly in Brooklyn Borough (+ 1,000) with some gain also in Manhattan (+ 200).

LABOR LAWS OF 1908.

Ten laws, which may properly be classed as distinctively labor laws, general in their scope, were enacted as the result of the legislative sessions of 1908. Unquestionably the most important of these were a law transferring the enforcement of the regulations concerning the employment of women and children in mercantile establishments in cities of the first class from the municipal health authorities to the State Commissioner of Labor, an act requiring payment of wages by steam railroad companies semi-monthly instead of monthly as heretofore, and a law providing for the establishment of industrial schools. Of the ten laws, all of which are reproduced in full in following pages, five may be classed as relating to the health and safety of employees, three relate to payment of wages, one to industrial education, and one to immigration, and under these headings they may conveniently be considered individually.

Health and Safety of Employees.

MERCANTILE ESTABLISHMENTS.

In his annual message to the Legislature on January 1, 1908, Governor Hughes called attention to the question of the enforcement of the labor law in mercantile establishments, as follows:

Complaint is made of the enforcement of the provisions of the Labor Law relating to mercantile establishments on the ground that local boards of health who are charged with the duty of inspection are not in a position to give the matter requisite attention. It is urged that better results would be obtained if it were committed to the State Department of Labor. I present the question for your consideration.

At the regular session of the Legislature a bill was introduced by Mr. Parker in the Assembly and by Mr. Page in the Senate to transfer the duty of enforcing the mercantile law, as it is called, in cities of the first class (New York City, Buffalo and Rochester) from local boards of health to the Commissioner of Labor. At the request of the New York Child Labor Committee the Commissioner of Labor made this bill a Department measure. The bill passed the Assembly without much difficulty, but in the Senate met with powerful opposition on the part of merchants who would be affected by the measure and notwithstanding the

efforts of the Commissioner of Labor and other friends of the bill its opponents succeeded in preventing its report by the committee to which it was referred and in preventing a vote on a motion to discharge the committee on the final day of the regular session. But the bill had provided for an addition to the force of the Department of Labor to carry out its provisions and, curiously enough, the annual supply bill as passed contained the necessary appropriations for this purpose. The Commissioner of Labor therefore appealed to the Governor to include the question of the mercantile law in his recommendations to the extraordinary session. This the Governor did in his message of May 11, as follows:

Fifth. The amendment of the Labor Law so as to provide for a Bureau of Mercantile Inspection in the Labor Department and to place with the Commissioner of Labor the enforcement of the law relating to mercantile and other establishments mentioned in section 161 of the law, at least in the larger cities. It is apparent that local boards of health in the large cities are not in a position to give this matter suitable attention. The enforcement of the law with regard to child labor is a matter of the greatest importance, and it will be more largely secured by placing it, in connection with these establishments, with the State Commissioner of Labor.

The supply bill passed at the regular session carries appropriations to enable the labor department to undertake this work. But the necessary amendments of the substantive law have not been made.

The bill was accordingly again introduced and, although again vigorously opposed, was finally passed and became chapter 520 of the Laws of 1908. The most active supporters of the measure in its passage through the Legislature, besides the Commissioner of Labor, were the New York Child Labor Committee, the National, State, New York City and Buffalo Consumers' Leagues, the mayor's Committee on Child Labor of Rochester and the State Workingmen's Federation of Labor.

Historically this act is interesting because it provides for the same method of enforcing the mercantile law as was proposed when the first legislation regulating the employment of women and children occurred. Such legislation was proposed in 1895 and the so-called "Ainsworth" bill of that year contained regulations similar to those in the present mercantile law and provided that they should be enforced by the State Factory Inspector. In the Assembly that year, however, the bill was amended so as to provide for enforcement by local boards of health. The meas-

ure did not pass in 1895 and came up again in 1896. Meanwhile the Reinhard (Assembly) Committee on Female Labor in New York City had reported in favor of such legislation, but in favor of enforcement by health boards, chiefly, it would appear from the committee's report, on the ground that the State Factory Department had its hands more than full with the factory laws and the mercantile inspection could be done by the health boards, and the law was passed in 1896 with such provision for enforcement.

But for years complaint has been made of inadequate enforcement of the law, and efforts to transfer the duty of enforcement to the Department of Labor have been made. Such efforts were pushed more vigorously than ever in 1906 and 1907. It was proposed also to amend the mercantile law so that its provisions should be uniform with those of the factory law.* But until this year all such efforts have been defeated by the powerful opposition of merchants interested. This year's bill modified that of last year by proposing to change only the matter of enforcement and by limiting its application to first class cities only, that is, to New York City, Buffalo and Rochester. It hardly needs to be pointed out, of course, that it is in the larger cities where the greatest need of the mercantile regulations exists.

Chapter 520 of the Laws of 1908, therefore, leaves the regulations regarding women and children in mercantile establishments as they were before, but transfers the duty of enforcing those regulations in the three first class cities from the local health authorities to the Commissioner of Labor.

For the latter purpose a fourth division of the Department of Labor, a Bureau of Mercantile Inspection, is created by the law, at the head of which, subject to the supervision of the Commissioner of Labor, is to be a mercantile inspector with a salary of \$2,000. Ten deputy mercantile inspectors, not less than two of whom shall be women, are provided for, to be appointed by the Commissioner of Labor and who may be divided into three grades at salaries of \$1,000, \$1,200 and \$1,500, with not more than two in the last-mentioned grade. Chapter 520 goes into effect October 1st.

* See BULLETIN, June, 1907, p. 198.

FACTORIES.

Chapter 426 adds to the former specific requirements of section 88 of the Labor Law concerning water closets in factories, a new one to the effect that they shall be properly *lighted*. Further, whereas the section formerly read that closets should be "kept clean and free from all obscene writing" the provision has been broadened to read, "kept clean *and sanitary* and free," etc., thus specifically providing for continuous maintenance of all necessary sanitary conditions.

The same law also broadens the responsibility for safeguarding of stairways and doors and providing proper ventilation in factories. In 1906 the responsibility for certain requirements of the factory law involving structural conditions, such as elevator guards, fire escapes, stairs and doors, ventilation, steam boilers and lighting, in the case of "tenant factories," that is, those occupying only a portion of a building as is common in New York City, was transferred entirely from the occupant of the tenant-factory to the owner of the building, except that the occupant was also to be responsible with respect to elevators and steam boilers. Chapter 426 of this year's laws has now added the safeguarding of stairs and doors and proper ventilation to the requirements for which the occupant, as well as the owner of the building, must be responsible. The bill for this law was introduced at the instance of the Commissioner of Labor. The act was approved on May 20th and went into effect at once.

RAILWAYS.

A further step toward safeguarding railway employees against the well-known excessive risks of their occupation was taken in chapter 448 of Laws of 1908, which requires that after the first of September, this year, no car may be used as a caboose unless it shall have a "suitable and safe platform at each end, and the usual railing for the protection of persons using such platform."

TUNNEL CONSTRUCTION.

When last year tunnel construction work, because of its excessive danger to employees, was subjected to requirements as to health and safety similar to those already in existence for mines, by a verbal slip in section 126 of the Labor Law the requirement

for the reporting of accidents to the Commissioner of Labor was made to apply to accidents occurring in the "*operation*" of a tunnel only. Chapter 89 of the Laws of 1908 corrects this by making the requirement refer to accidents which shall occur "in the construction or repair of a tunnel." It also rewrites the section so as to make its requirements as to report of accidents in mines, quarries or tunnel construction uniform with those for factory accidents. The correction in the law was made at the instance of the Commissioner of Labor. It became law on April 6 and went into effect at once.

TENEMENT MANUFACTURES.

A change purely in a matter of administration in connection with the licensing of tenement buildings for manufacturing in apartments therein is made by chapter 174, which became a law on April 28th and went into effect on May 1st. Previously the law required that a license for a tenement building must be framed and posted in the hallway on the entrance floor, the idea being to furnish official evidence to manufacturers or the public as to the lawfulness or unlawfulness of sending work into the building. As a matter of fact, however, this means of identifying licensed or unlicensed premises has proven in practice unsatisfactory, due to the continual possibility of the posted license being misplaced, and still more to the fact that the contractor or manufacturer could have absolute proof as to a building only by personal visit of himself or representative thereto, whereas more certain information could be secured by mail or telephonic communication with the Department of Labor, the Department having a sub-office in New York City where licensing of tenements is chiefly carried on. The prevalence of the latter procedure suggested the possibility of publishing at frequent intervals an official list of tenements as to their standing on the Department records, thus making constantly available for all inquirers official information as to the status of all tenements, and this plan was finally adopted in January of this year, since which time a monthly bulletin relating to tenement-houses in New York City has been issued. The advantages of this plan proved sufficient to warrant the recommendation that the require-

ment of framing and posting, which entailed delay and expense in the issuance of licenses, should be dropped. At the suggestion of the Department, therefore, that requirement was eliminated from the law by chapter 174 of this year's laws.

Payment of Wages.

RAILROADS.

Chapter 442 of the Laws of 1908 requires steam railroads to pay wages semi-monthly instead of monthly, as heretofore. This law represents the achievement of an end which has been sought by railroad employees for eight years, the first bill for the purpose having been introduced in 1901, since which time the measure has been perennially before the Legislature. This was one of the two preferred measures this year of the State Workingmen's Federation and was actively championed by the legislative agents of that organization and the railway brotherhoods, being vigorously opposed on the other hand by the railroads. In approving this act, which takes effect October 1st, Governor Hughes filed the following memorandum:

By the Labor Law it is provided that corporations and joint stock associations shall pay their employees weekly. Steam surface railroads, however, were excepted from this provision and permitted to pay monthly. This mitigates this discrimination by providing for a semi-monthly payment.

It is urged that this change will cause the steam railroads some inconvenience and expense. But doubtless the present law occasions inconvenience and expense to other corporations who are not benefited by any exception. It is better that the present bill should become a law and suitable administrative arrangements be made to comply with it, than that the existing discrimination which can not be justified with due regard to the policy of the provision of the Labor Law, should be maintained.

ICE HARVESTERS.

Wherever considerable numbers of unskilled laborers are employed by a single firm in places remote from towns there the occasion for company stores to supply commodities to the employees naturally arises and under such conditions especially the possibility exists of abuses in the way of coercion of employees by payment of wages in store orders. The work of ice harvesting is largely carried on in such isolated places and chapter 443 of the Laws of 1908 has now placed "every corporation engaged in harvesting and storing ice" under the same restrictions as have heretofore existed for manufacturing, mining and transportation

companies generally, requiring that wages shall be paid in cash and forbidding the use of store orders. Under the provisions of the Labor Law the enforcement of this act lies with the Commissioner of Labor. The law was approved May 20th and went into effect at once.

GARNISHEE OF WAGES.

Chapter 148 of the Laws of 1908 amends the law concerning attachment of wages for debts in two respects. On the one hand the limit of wages exempted from such attachment is lowered so that a wage of \$12 a week or over may be attached, whereas before only a wage exceeding \$12 could be attached, or garnisheed as it is called. On the other hand, there is now no limit as to the kinds of debt for which wages may be attached, whereas before only debts for "necessaries" bought, or for wages due to a domestic servant or salary due to an employee could be made the basis of such an attachment. The effect of this enlargement of the law's application is to remove the vexatious question of what constitutes a "necessary," which has frequently arisen heretofore, and, still more important, to remove a restriction which virtually tended to make the law apply especially to working people. The latter's debts, more often than those of any others, are debts for necessities. Now the purchaser of luxuries as well as the buyer of necessities comes under the law. Chapter 148 became law on April 22d and goes into effect on September 1st.

Industrial Education.

Commissioner Draper of the Department of Education made the subject of industrial education the special theme of his annual report to the Legislature in 1908. He took the ground that it is already high time that provision for such education should be made and that such provision should be made in connection with the public schools. He further urged that such provision should include schools for the teaching of individual trades as well as general industrial education. At the instance of the Commissioner of Education a bill along the lines of his recommendations was prepared and introduced in the Legislature, and this measure was enacted into law, becoming chapter 263 of the Laws of 1908.

This law permits any city or any union free school district to establish "general industrial schools open to pupils who have completed the elementary school course or who have attained the age of fourteen years, and trade schools open to pupils who have attained the age of sixteen years and have completed either the elementary school course or a course in the above mentioned general industrial school or who have met such other requirements as the local school authorities may have prescribed." The management of such schools is in the hands of the local school authorities subject to the general supervision and inspection of the State Commissioner of Education. But the local school authorities in any locality establishing such schools are to appoint "an advisory board of five members representing the local trades and industries" to "counsel with and advise" the local authorities in the management of such schools. The expense of industrial or trade schools established under the law is to be borne by local taxation, combined with state aid to the extent of \$500 per year from the state school monies for each independently organized school maintained for forty weeks during the school year and employing a teacher whose whole time is devoted to the school and having an enrollment of at least twenty-five pupils. Chapter 263 became operative with its approval by the Governor on May 18th. The act appropriated \$7,000 to the State Education Department with which to carry out its advisory and supervisory duties in connection with the establishment and maintenance of industrial and trade schools and steps have already been taken to create within the Department a Division of Trades Schools for that purpose.

Immigration.

In his annual message to the Legislature the Governor made reference to this subject as follows:

The condition of immigrants from foreign countries who in large numbers remain in this State, requires careful study. We cannot afford to ignore the situation and our first effort should be properly to understand it and to take whatever measures may be necessary to protect these newcomers from the special forms of imposition of which they are the victims and through a proper distribution to realize their economic value. The matter has many phases which may well form the subject of a special investigation. I recommend that provision be made for the appointment of a commission

for this purpose. And as it is a field which has engaged the attention of many public spirited citizens, I believe it would be possible to obtain a commission possessing the highest qualifications which would serve without compensation.

In accordance with this recommendation an act was passed (chapter 210, approved May 6th) empowering the Governor to appoint a commission of nine members to serve without compensation which "shall make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of aliens in the state of New York." The commission is to make report to the Governor, including any recommendations as to legislation deemed proper, and \$10,000 is appropriated for its expenses.

TEXT OF THE NEW LABOR LAWS.

[Arranged in chronological order of enactment, as indicated by the chapter number. In order to reveal the changes made in existing law, new matter introduced is printed in *italic type* and old matter omitted is inclosed in brackets.]

CHAPTER 89.

AN ACT to amend the labor law, relating to mines, tunnels and quarries and their inspection, relative to reporting of accidents.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-six of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter three hundred and ninety-nine of the laws of nineteen hundred and seven, is hereby amended to read as follows:

§ 126. Reports of accidents.—Whenever loss of life or an accident causing an injury incapacitating any person for work, shall occur in the operation of a mine [, tunnel] or quarry, *or in the construction or repair of a tunnel, the owner, agent, manager [or], lessee, contractor, subcontractor, or person in charge thereof, shall [immediately] within forty-eight hours after the accident, death or injury report, in writing, all the facts connected therewith to the commissioner of labor. Such report shall state as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by the said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.*

§ 2. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 148.

AN ACT to amend the code of civil procedure, in relation to exemptions and executions.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen hundred and ninety-one of the code of civil procedure is hereby amended to read as follows:

§ 1391. In addition to the exemptions, allowed by the last section, necessary household furniture, working tools and team, professional instruments, furniture and library, not exceeding in value two hundred and fifty dollars, together with the necessary food for the team, for ninety days, are exempt from levy and sale by virtue of an execution, when owned by a person, being a householder, or having a family for which he provides, except where the execution is issued upon a judgment, recovered wholly upon one or more demands, either for work performed in the family as a domestic or for the purchase money, of one or more articles, exempt as prescribed in this or the last section. Where a judgment has been recovered [wholly for necessities, sold, or work performed in a family as a domestic, or for services rendered for salary owing to an employee of the judgment debtor,] and where an execution issued upon said judgment has been returned wholly or partly unsatisfied, and where any wages, debts, earnings, salary, income from trust funds or profits are due and owing to the judgment debtor or shall thereafter become due and owing to him, to [an] *the* amount [exceeding] of twelve dollars or more per week, and where no execution issued as hereafter provided for in this section is unsatisfied and outstanding against said judgment debtor, the judgment creditor may apply to the court in which said judgment was recovered or the court having jurisdiction of the same without notice to the judgment debtor and upon satisfactory proof of such facts by affidavits or otherwise, the court, if a court not of record, a judge or justice thereof, must issue or if a court of record, a judge or justice, must grant an order directing that an execution issue against the wages, debt, earnings, salary, income from trust funds or profits of said judgment debtor, and on presentation of such execution by the officer to whom delivered for collection to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing, or may thereafter become due and owing to the judgment debtor, said execution shall become a lien and a continuing levy upon the wages, earnings, debts, salary, income from trust funds or profits due or to become due to said judgment debtor to the amount specified therein which shall not exceed ten per centum thereof, and said levy shall be a continuing levy until said execution and the expenses thereof are fully satisfied and paid or until modified as hereinafter provided. It shall be the duty of any person or corporation, municipal or otherwise, to whom said execution shall be presented, and who shall at such time be indebted to the judgment debtor named in such execution, or who shall become indebted to such judgment debtor in the future, and while said execution shall remain a lien upon said indebtedness to pay over to the officer presenting the same, such amount of such indebtedness as such execution shall prescribe until said execution shall be wholly satisfied and such payment shall be a bar to any action therefor by any such judgment debtor. If such person or corporation, municipal or otherwise, to whom said execution

shall be presented shall fail, or refuse to pay over to said officer presenting said execution, the percentage of said indebtedness, he shall be liable to an action therefor by the judgment creditor named in such execution, and the amount so recovered by such judgment creditor shall be applied towards the payment of said execution. Either party may apply at any time to the court from which such execution shall issue, or to any judge or justice issuing the same, or to the county judge of the county, and in any county where there is no county judge, to any justice of the city court upon such notice to the other party as such court, judge, or justice shall direct for a modification [as] of said execution, and upon such hearing the said court, judge or justice may make such modification of said execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until fully paid and satisfied, or until further modified as herein provided.

§ 2. This act shall take effect September first, nineteen hundred and eight. Approved April 22, 1908.

CHAPTER 174.

AN ACT to amend the labor law, relative to licensing of tenement-houses.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred of article seven of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-one of the laws of eighteen hundred and ninety-nine, and chapter five hundred and fifty of the laws of nineteen hundred and four and chapter one hundred and twenty-nine of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 100. **Manufacturing, altering, repairing or finishing articles in tenements.**—No tenement-house nor any part thereof shall be used for the purpose of manufacturing, altering, repairing or finishing therein, any coats, vests, knee-pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, skirts, shirts, aprons, purses, pocketbooks, slippers, paper boxes, paper bags, feathers, artificial flowers, cigarettes, cigars, umbrellas, or articles of rubber, nor for the purpose of manufacturing, preparing, or packing macaroni, spaghetti, ice cream, ices, candy, confectionery, nuts, or preserves, without a license therefor as provided in this article. But nothing herein contained shall apply to collars, cuffs, shirts or shirt waists made of cotton or linen fabrics that are subjected to the laundrying process before being offered for sale. Application for such a license shall be made to the commissioner of labor by the owner of such tenement-house, or by his duly authorized agent. Such application shall describe the house by street number or otherwise, as the case may be, in such manner as will enable the commissioner of labor easily to find the same; it shall also state the number of apartments in such house; it shall contain the full name and address of the owner of the said house, and shall be in such form as the commissioner of labor may determine. Blank applications shall be prepared and furnished by the commissioner of labor. Upon receipt of such application the com-

missioner of labor shall consult the records of the local health department or board, or other appropriate local authority charged with the duty of sanitary inspection of such houses; if such records show the presence of any infectious, contagious or communicable disease, or the existence of any uncomplained with orders or violations which indicate the presence of unsanitary conditions in such house, the commissioner of labor may, without making an inspection of the building, deny such application for a license, and may continue to deny such application until such time as the records of said department, board or other local authority show that the said tenement-house is free from the presence of infectious, contagious or communicable disease, and from all unsanitary conditions. Before, however, any such license is granted, an inspection of the building sought to be licensed must be made by the commissioner of labor, and a statement must be filed by him as a matter of public record, to the effect that the records of the local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses show the existence of no infectious, contagious or communicable disease nor of any unsanitary conditions in the said house; such statement must be dated and signed in ink with the full name of the employee responsible therefor. A similar statement similarly signed, showing the results of the inspection of the said building, must also be filed in the office of the commissioner of labor before any license is granted. If the commissioner of labor ascertain that such building is free from infectious, contagious or communicable disease, that there are no defects of plumbing that will permit the free entrance of sewer air, that such building is in a clean and proper sanitary condition and that the articles specified in this section may be manufactured therein under clean and healthful conditions, he shall grant a license permitting the use of such building, for the purpose of manufacturing, altering, repairing or finishing such articles. [Such license shall be framed, such frame to be furnished by the commissioner of labor upon receipt by him of one dollar for which a receipt in writing shall be given, and shall be posted by the owner in a conspicuous place in the public hallway on the entrance floor of the building to which it relates. It] *Such license* may be revoked by the commissioner of labor if the health of the community or of the employees requires it, or if the owner of the said tenement-house or his duly authorized agent fails to comply with the orders of the commissioner of labor within ten days after the receipt of such orders, or if it appears that the building to which such license relates is not in a healthy and proper sanitary condition. In every case where a license is revoked or denied by the commissioner of labor the reasons therefor shall be stated in writing, and the records of such revocation or denial shall be deemed public records. Where a license is revoked, before such tenement-house can again be used for the purposes specified in this section, a new license must be obtained, as if no license had previously existed. Every tenement-house and all the parts thereof in which any of the articles named in this section are manufactured, altered, repaired or finished shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the commissioner of labor, for the purpose of ascertaining whether said garments or articles or part or parts thereof are clean and free from vermin and every matter of an infectious or contagious nature. An inspection shall be made by the commissioner of labor

of each licensed tenement-house not less than once in every six months, to determine its sanitary condition, and shall include all parts of such house and the plumbing thereof. Before making such inspection the commissioner of labor may consult the records of the local department or board charged with the duty of sanitary inspection of tenement-houses, to determine the frequency of orders issued by such department or board in relation to the said tenement-house, since the last inspection of such building was made by the commissioner of labor. Whenever the commissioner of labor finds any unsanitary condition in a tenement-house for which a license has been issued as provided in this section, he shall at once issue an order to the owner thereof directing him to remedy such condition forthwith. Whenever the commissioner of labor finds any of the articles specified in this section manufactured, altered, repaired or finished, or in process thereof, in a room or apartment of a tenement-house, and such room or apartment is in a filthy condition, he shall notify the tenants thereof to immediately clean the same, and to maintain it in a cleanly condition at all times; where the commissioner of labor finds such room or apartment to be habitually kept in a filthy condition, he may in his discretion cause to be affixed to the entrance door of such apartment a placard calling attention to such facts and prohibiting the manufacture, alteration, repair or finishing of said articles therein. No person, except the commissioner of labor, shall remove or deface any such placard so affixed. None of the articles specified in this section shall be manufactured, altered, repaired or finished in any room or apartment of a tenement-house, where there is or has been a case of infectious, contagious or communicable disease in such room or apartment, until such time as the local department or board of health shall certify to the commissioner of labor that such disease has terminated, and that the said room or apartment has been properly disinfected, if disinfection after such disease is required by the local ordinances, or by the rules or regulations of such department or board. None of the articles specified in this section shall be manufactured, altered, repaired or finished in a part of a cellar or basement of a tenement-house, which is more than one-half of its height below the level of the curb or ground outside of or adjoining the same. No person shall hire, employ or contract with any person to manufacture, alter, repair or finish any of the articles named in this section in any room or apartment in any tenement-house not having a license therefor issued as aforesaid. None of the articles specified in this section shall be manufactured, altered, repaired or finished in any room or apartment of a tenement-house unless said room or apartment shall be well lighted and ventilated and shall contain at least five hundred cubic feet of air space for every person working therein, or by any person other than the members of the family living therein: except that in licensed tenement-houses persons not members of the family may be employed in apartments on the ground floor or second floor, used only for shops of dressmakers who deal solely in the custom trade direct to the consumer, provided that such apartments shall be in the opinion of the commissioner of labor in the highest degree sanitary, well lighted, well ventilated and plumbed, and provided further that the whole number of persons therein shall not exceed one to each one thousand cubic feet of air space, and that there shall be no children under fourteen years of age living or working therein; before any such room or apartment can be so used a special permit

therefor shall be issued by the commissioner of labor, a copy of which shall be entered in his public records with a statement of the reasons therefor. Nothing in this section contained shall prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for the use of such person or family. Nor shall this section apply to a house if the only work therein on the articles herein specified be carried on in a shop on the main or ground floor thereof with a separate entrance to the street, unconnected with living rooms and entirely separate from the rest of the building by closed partitions without any openings whatsoever and not used for sleeping or cooking.

§ 2. This act shall take effect May first, nineteen hundred and eight.

Approved April 28, 1908.

CHAPTER 210.

AN ACT to establish a commission to inquire into the condition, welfare and industrial opportunities of aliens in the state of New York and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The governor is hereby empowered to appoint a commission of immigration, which shall consist of nine members who shall serve without compensation, and which shall make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of aliens in the state of New York. For this purpose, said commission is hereby authorized to send for persons and papers, administer oaths and to examine witnesses and papers respecting all matters pertaining to this subject, and to employ all necessary clerical and other assistance. Said commission shall make a full and final report to the governor, including such recommendations for legislation as in its judgment may seem proper.

§ 2. For this purpose the sum of ten thousand dollars or so much thereof as may be necessary is hereby appropriated.

§ 3. This act shall take effect immediately.

Approved May 6, 1908.

CHAPTER 263.

AN ACT to amend the consolidated school law by providing for the establishment and maintenance of general industrial and trade schools in cities and in union free school districts, and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five of article ten of title fifteen of the consolidated school law is hereby amended to read as follows:

ARTICLE X.

[Industrial Training in Public Schools.]

General Industrial and Trade Schools.

§ 25. General industrial and trade schools may be established—1. *The board of education of any city, and in a city not having a board of education*

the officer having the management and supervision of the public school system, may establish, acquire, conduct and maintain as a part of the public school system of such city general industrial schools open to pupils who have completed the elementary school course or who have attained the age of fourteen years, and trade schools open to pupils who have attained the age of sixteen years and have completed either the elementary school course or a course in the above mentioned general industrial school or who have met such other requirements as the local school authorities may have prescribed.

2. The board of education of any union free school district shall also establish, acquire and maintain such schools for like purposes whenever such schools shall be authorized by a district meeting.

§ 2. Section 25-a is hereby added to article ten, title fifteen, of the consolidated school law and to read as follows:

§ 25-a. 1. **Appointment of an advisory board.**—*The board of education in a city and the officer having the management and supervision of the public school system in a city not having a board of education shall appoint an advisory board of five members representing the local trades and industries. In the first instance two of such members shall be appointed for a term of one year and three of such members shall be appointed for a term of two years. Thereafter as the terms of such members shall expire the vacancies caused thereby shall be filled for a full term of two years. Any other vacancy occurring on such board shall be filled by the appointing power named in this section for the remainder of the unexpired term.*

2. It shall be the duty of such advisory board to counsel with and advise the board of education or the officer having the management and supervision of the public school system in a city not having a board of education in relation to the powers and duties vested in such board or officer by section twenty-six of this act.

[25. Boards or departments of education of cities and villages, and of union free schools and trustees of public school districts, are hereby authorized and empowered to establish and maintain a department or departments in the schools under their charge for industrial training and for teaching and illustrating the manual or industrial arts, and the principles underlying the same; and for that purpose they are respectively authorized to purchase and use such material and apparatus, and to establish and maintain such shops, and to employ such instructor or instructors, in addition to the other teachers in said schools, as in their judgment shall be deemed necessary or proper whenever the authorities or electors respectively now authorized by law to raise money by taxation for school purposes, shall make provision for the maintenance of such departments.]

§ 3. Section twenty-six of article ten of title fifteen of the consolidated school law is hereby amended to read as follows:

§ 26. **Authority of the board of education over such schools.**—*The board of education in a city and the officer having the management and supervision of the public school system in a city not having a board of education and the board of education in a union free school district which authorizes the establishment of a general industrial or a trade school is vested with the same power and authority over the management, supervision and control of such school and the teachers or instructors employed therein as such board or*

officer now has over the schools and teachers under their charge. Such boards of education or such officer shall also have full power and authority:

- 1. To employ competent teachers or instructors.*
- 2. To provide proper courses of study.*
- 3. To purchase or acquire sites and grounds and to purchase, acquire, lease or construct and to repair suitable shops or buildings and to properly equip the same.*
- 4. To purchase necessary machinery, tools, apparatus and supplies.*

[26. All authorities and electors, respectively, now authorized by law to levy and raise taxes for school purposes, are hereby authorized to levy and raise by taxation, in addition to any amount or amounts which they are now, respectively, in any city, village or district, authorized by law to raise for school purposes, and in the same manner, and at a regular or special meeting, the necessary funds to establish and maintain such industrial departments as aforesaid.]

§ 4. Section twenty-seven of article ten of title fifteen of the consolidated school law is hereby amended to read as follows:

§ 27. *State aid for general industrial and trade schools.*— *The commissioner of education in the annual apportionment of the state school moneys shall apportion therefrom to each city and union free school district the sum of five hundred dollars for each independently organized general industrial or trade school maintained therein for forty weeks during the school year and employing one teacher whose work is devoted exclusively to such school, and having an enrollment of at least twenty-five pupils and maintaining a course of study approved by him. He shall also make an additional apportionment to each city and union free school district of two hundred dollars for each additional teacher employed exclusively in such schools for forty weeks during the school year. All such moneys apportioned by the commissioner of education shall be used exclusively for the support and maintenance of such schools in the city or district to which such moneys are apportioned. But the commissioner of education may in his discretion apportion to a district or city maintaining such schools or employing such teachers for a shorter time than forty weeks, an amount pro rata to the time such schools are maintained or such teachers are employed. This section shall not be construed to entitle manual training high-schools or other secondary schools maintaining manual training departments, to an apportionment of funds herein provided for.*

27. The state normal and training schools which are or hereafter may be established in this state, hereby are and shall be required to include in their courses of instruction the principles underlying the manual or industrial arts, and also the practical training in the same, to such an extent as the superintendent of public instruction may prescribe, and to such further extent as the local boards, respectively, of said normal and training schools may prescribe.

§ 5. Section twenty-eight is hereby added to article ten, title fifteen, of the consolidated school law and to read as follows:

§ 28. *Annual estimate by board of education and appropriations by municipal and school districts.*— *1. The board of education of each city or the officer having the management and supervision of the public school system in a city not having a board of education shall file with the common council of*

such city within thirty days after the commencement of the fiscal year of such city a written itemized estimate of the expenditures necessary for the maintenance of its general industrial and trade schools and the estimated amount which the city will receive from the state school moneys applicable to the support of such schools. The common council shall give a public hearing to such persons as wish to be heard in reference thereto. The common council shall adopt such estimate and after deducting therefrom the amount of state moneys applicable to the support of such schools shall include the balance in the annual tax budget of such city. Such amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at the time and in the manner that other taxes for school purposes are raised. The common council shall have power by a two-thirds vote to reduce or reject any item included in such estimate.

2. The board of education in a union free school district which maintains a general industrial or trade school shall include in its estimate of anticipated expenses pursuant to the provisions of sections nine and eighteen of title eight of this act the amount that will be required to maintain such schools after applying toward the maintenance thereof the amount apportioned therefor by the commissioner of education. Such amount shall thereafter be levied, assessed and raised by tax upon the taxable property of the district at the time and in the manner that other taxes for school purposes are raised in such district.

§ 6. Powers and duties of commissioner of education.—The commissioner of education shall have general supervision of such schools; he shall prescribe regulations governing the licensing of the teachers employed therein; and he is hereby authorized, empowered and directed to provide for the inspection of such schools, to take necessary action to make effectual the provisions of this act, and to advise and assist boards of education in the several cities and school districts in the establishment, organization and management of such schools. The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated to the education department for the enforcement of this act, and the commissioner of education is hereby empowered to create such positions, to make such appointments and to fix the salary of employees as may be necessary for the purposes of this act for the period of one year.

§ 7. This act shall take effect immediately.

Approved May 18, 1908.

CHAPTER 426.

AN ACT to amend the labor law, in relation to sanitation and safety.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-eight of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter three hundred and six of the laws of nineteen hundred and one and by chapter four hundred and eighty-five of the laws of nineteen hundred and seven, is hereby amended to read as follows:

§ 88. Wash-room and water-closets.—Every factory shall contain a suitable, convenient and separate water-closet or water-closets for each sex, which

shall be properly screened, *lighted*, ventilated, and kept clean *and sanitary* and free from all obscene writing or marking; and also, [a] suitable and convenient wash-rooms. The water-closets used by women shall have separate approaches. Inside closets shall be maintained whenever practicable and in all cases when required by the commissioner of labor. When women or girls are employed, a dressing-room shall be provided for them, when required by the commissioner of labor. In all brass and iron foundries there shall be provided and maintained for the use of employees, suitable wash-rooms with proper water service, and suitable provision for drying of the working clothes of persons using the same.

§ 2. Section ninety-four of article six of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and seventy-eight of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 94. *Tenant-factories*.—A tenant-factory within the meaning of the term as used in this chapter is a building, separate parts of which are occupied and used by different persons, companies or corporations, and one or more of which parts is so used as to constitute in law a factory. The owner, whether or not he is also one of the occupants, instead of the respective lessees or tenants shall be responsible for the observance and punishable for the non-observance of the following provisions of this article, anything in any lease to the contrary notwithstanding,—namely the provisions of sections seventy-nine, eighty, eighty-two, eighty-three, eighty-six, ninety and ninety-one, and the provisions of section eighty-one with respect to the lighting of halls and stairways; except that the lessees or tenants also shall be responsible for the observance and punishable for the nonobservance of the provisions of sections seventy-nine, *eighty, eighty-six* and ninety-one within their respective holdings. The owner of every tenant-factory shall provide each separate factory therein with water-closets in accordance with the provisions of section eighty-eight, and with proper and sufficient water and plumbing pipes and a proper and sufficient supply of water to enable the tenant or lessee thereof to comply with all the provisions of said section. But as an alternative to providing water-closets within each factory as aforesaid, the owner may provide in the public hallways or other parts of the premises used in common, where they will be at all times readily and conveniently accessible to all persons employed on the premises not provided for in accordance with section eighty-eight, separate water-closets for each sex, of sufficient numbers to accommodate all such persons. Such owner shall keep all water-closets located as last specified at all times provided with proper fastenings, and properly screened, lighted, ventilated, clean, sanitary and free from all obscene writing or marking. Outdoor water-closets shall only be permitted where the commissioner of labor shall decide that they are necessary or preferable, and they shall then be provided in all respects in accordance with his directions. The owner of every tenant-factory shall keep the entire building well drained and the plumbing thereof in a clean and sanitary condition; and shall keep the cellar, basement, yards, areaways, vacant rooms and spaces, and all parts and places used in common in a clean, sanitary and safe condition, and shall keep such parts thereof as may reasonably be required by the commissioner of labor properly lighted at all hours or times when said building is in use for factory purposes. The term owner as used in this article shall be construed to mean

the owner or owners of the freehold of the premises, or the lessee or joint lessees of the whole thereof, or his, her or their agent in charge of the property. The lessee or tenant of any part of a tenant-factory shall permit the owner, his agents and servants, to enter and remain upon the demised premises whenever and so long as may be necessary to comply with the provisions of law, the responsibility for which is by this section placed upon the owner; and his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings to recover possession of real property, as provided in the code of civil procedure. And whenever by the terms of a lease any lessee or tenant shall have agreed to comply with or carry out any of such provisions, his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings as aforesaid. Except as in this article otherwise provided the person or persons, company or corporation conducting or operating a factory whether as owner or lessee of the whole or of a part of the building in which the same is situated or otherwise, shall be responsible for the observance and punishable for the nonobservance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.

§ 3. This act shall take effect immediately.

Approved May 20, 1908.

CHAPTER 442.

AN ACT to amend the labor law, relative to the time when wages are to be paid.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended to read as follows:

§ 10. When wages are to be paid.—Every corporation or joint stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employee the wages earned by him to a day not more than six days prior to the date of such payment. But every person or corporation operating a steam surface railroad shall, on or before the [twentieth] first day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay the employees thereof the wages earned by them during the last half of the preceding calendar month.

§ 2. This act shall take effect October first, nineteen hundred and eight.

Approved May 20, 1908.

CHAPTER 443.

AN ACT to amend the labor law, in relation to cash payment of wages by corporations engaged in harvesting and storing ice.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter three

hundred and sixteen of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 9. **Cash payment of wages.**—Every manufacturing, mining, quarrying, mercantile, railroad, street railway, canal, steamboat, telegraph and telephone company, every express company, *every corporation engaged in harvesting and storing ice*, and every water company, not municipal, and every person, firm or corporation, engaged in or upon any public work for the state or any municipal corporation thereof, either as a contractor or a subcontractor therewith, shall pay to each employee engaged in his, their or its business the wages earned by such employee in cash. No such company, person, firm or corporation shall hereafter pay such employees in script, commonly known as store money-orders. No person, firm or corporation engaged in carrying on public work under contract with the state or with any municipal corporation of the state, either as a contractor or subcontractor therewith, shall, directly or indirectly, conduct or carry on what is commonly known as a company store, if there shall, at the time be any store selling supplies, within two miles of the place where such contract is being executed. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Approved May 20, 1908.

CHAPTER 448.

AN ACT to amend chapter five hundred and forty-four of the laws of eighteen hundred and ninety-three, entitled "An act to promote the safety of railway employees by compelling the equipment of freight cars with automatic couplers," relative to the use of cabooses.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter five hundred and forty-four of the laws of eighteen hundred and ninety-three, entitled "An act to promote the safety of railway employees by compelling the equipment of freight cars with automatic couplers," as amended by chapter four hundred and eighty-five of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 2. That from and after the passage of this act, in addition to such new freight cars, there shall be equipped each year with such couplers, by every company operating a line or lines of railroad within the state, at least twenty per centum of all freight cars owned or operated by such companies, and used within the state, which are not so equipped, except certain cars known and designated as "coal jimmies," and that on and after the first day of January, eighteen hundred and ninety-eight, the use of said "coal jimmies" in any form, *and that on and after the first day of September, nineteen hundred and eight, the use of any car as a caboose unless it shall have a suitable and safe platform at each end thereof, and the usual railing for the protection of persons using such platform* shall be unlawful within this state, except upon any railroad whose main line is less than fifteen miles in length and whose average grade exceeds two hundred feet to the mile, under penalty of one hundred dollars for each offense, said penalty to be recovered in an action to be brought by the attorney-general, in the name of the people, and

in the judicial district where the principal office of the company within the state is located. This section shall not be construed to authorize the interchange of such "coal jimmies" with, and the use thereof upon, railroads of more than fifteen miles in length or whose average grade is less than two hundred feet to the mile.

§ 2. This act shall take effect immediately.

Approved May 21, 1908.

CHAPTER 520.

AN ACT to amend the labor law, in relation to the organization of the department of labor, in relation to the enforcement of such laws.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter five hundred and five of the laws of nineteen hundred and seven, is hereby amended to read as follows:

§ 32. Bureaus.—The department of labor shall be divided into [three] *four* bureaus as follows: Factory inspection, labor statistics, [and] mediation and arbitration [...], and *mercantile inspection*.

§ 2. Section thirty-three of said act as amended by chapter five hundred and five of the laws of nineteen hundred and seven is hereby amended to read as follows:

§ 33. Powers.—Subdivision 1. The commissioner of labor, his deputies and their assistants and each special agent, [and] deputy factory inspector, *mercantile inspector*, and *deputy mercantile inspectors* may administer oaths and take affidavits in matters relating to the provisions of this chapter.

Subd. 2. No person shall interfere with, obstruct or hinder by force or otherwise the commissioner of labor, his deputies, their assistants or the special agents, [or] deputy factory inspectors, *the mercantile inspector*, or *deputy mercantile inspectors* while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter or refuse them admittance to any place where and when labor is being performed which is affected by the provisions of this chapter.

Subd. 3. All notices, orders and directions of deputies, assistants, special agents, [and] deputy factory inspectors, *the mercantile inspector* and *deputy mercantile inspectors*, given in accordance with this chapter are subject to the approval of the commissioner of labor. And all acts, notices, orders, permits and directions by any provisions of this chapter directed to be performed or given by the factory inspector, chairman of the board of mediation and arbitration, *mercantile inspector* or other officer of the department of labor may be performed or given by and in the name of the commissioner of labor and by any officer of the department thereunto duly authorized by such commissioner in the name of such commissioner.

Subd. 4. The commissioner of labor may procure and cause to be used badges for himself and his subordinates in the department of labor while in the performance of their duties.

§ 3. Section thirty-four of said act as amended by chapter five hundred and five of the laws of nineteen hundred and seven is hereby amended to read as follows:

§ 34. **Salaries and expenses.**—All necessary expenses incurred by the commissioner of labor in the discharge of his duties shall be paid by the state treasurer upon the warrant of the comptroller issued upon proper vouchers therefor. The reasonable and necessary traveling and other expenses of the deputy commissioners, their assistants, the special agents and statisticians, the deputy factory inspectors, *the mercantile inspectors, deputy mercantile inspectors*, and other field officers of the department while engaged in the performance of their duties shall be paid in like manner upon vouchers approved by the commissioner of labor and audited by the comptroller.

§ 4. Section one hundred and sixty-seven of said act as amended by chapter two hundred and fifty-five of the laws of nineteen hundred and three, and chapter four hundred and ninety-three of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 167. **Registry of children employed.**—The owner, manager, or agent of a mercantile or other establishment specified in section one hundred and sixty-one, employing children, shall keep or cause to be kept, in the office of such establishment, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificates filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated[.], *or if such establishment is situated in a city of the first class upon the demand of the commissioner of labor.* On termination of the employment of the child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. An officer of the board, department or commissioner of health of the town, village or city where a mercantile or other establishment mentioned in this article is situated, *or if such establishment is situated in a city of the first class the commissioner of labor,* may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this chapter, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such establishment. The officer may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said establishment, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office of the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall, *except in cities of the first class,* be filed with the board, department, or commissioner of health, and in

cities of the first class with the commissioner of labor, and a material false statement made in any such paper or affidavit by any person, shall be a misdemeanor. In case such employer shall fail to produce and deliver to the officer of the board, department, or commissioner of health, or in cities of the first class to the commissioner of labor, within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such mercantile or other establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.

§ 5. Section one hundred and sixty-eight of said act is hereby amended to read as follows:

§ 168. **Wash-rooms and water-closets.**—Suitable and proper wash-rooms and water-closets shall be provided in, adjacent to or connected with mercantile establishments where women and children are employed. Such rooms and closets shall be so located and arranged as to be easily accessible to the employees of such establishments. Such water-closets shall be properly screened and ventilated, and, at all times, kept in a clean condition. The water-closets assigned to the female employees of such establishments shall be separate from those assigned to the male employees. If a mercantile establishment has not provided wash-rooms and water-closets, as required by this section, the board or department of health or health commissioners of the town, village or city where such establishment is situated, *unless such establishment is situated in a city of the first class in which case the commissioner of labor shall cause to be served upon the owner, agent or lessee of the building occupied by such establishment, a written notice of the omission and directing such owner, agent or lessee to comply with the provisions of this section respecting such wash-rooms and water-closets. Such owner shall, within fifteen days after the receipt of such notice, cause such wash-rooms and water-closets to be provided.*

§ 6. Section one hundred and sixty-nine of said act is hereby amended to read as follows:

§ 169. **Lunch-rooms.**—If a lunch-room is provided in a mercantile establishment where females are employed, such lunch-room shall not be next to or adjoining the water-closets, unless permission is first obtained from the board or department of health or health commissioners of the town, village or city where such mercantile establishment is situated, [*unless such establishment is situated in a city of the first class in which case such permission must be obtained from the commissioner of labor.*] Such permission shall be granted unless it appears that proper sanitary conditions do not exist, and it may be revoked at any time by the board or department of health or health commissioner, if it appears that such lunch-room is kept in a manner or in a part of the building injurious to the health of the employees, [*unless such establishment is situated in a city of the first class in which case said permission may be so revoked by the commissioner of labor.*]

§ 7. Section one hundred and seventy-one of said act is hereby amended to read as follows:

§ 171. **Employment of women and children in basements.**—Women or children shall not be employed or [directed] *permitted* to work in the basement of a mercantile establishment, unless permitted by the board or department

of health, or health commissioner of the town, village or city where such mercantile establishment is situated[.], *unless such establishment is situated in a city of the first class in which case such permission must be obtained from the commissioner of labor.* Such permission shall be granted unless it appears that such basement is not sufficiently lighted and ventilated, and is not in good sanitary condition.

§ 8. Section one hundred and seventy-two of said act as amended by chapter two hundred and fifty-five of the laws of nineteen hundred and three is hereby amended to read as follows:

§ 172. Enforcement of article.— [The] *Except in cities of the first class* the board or department of health or health commissioners of a town, village or city affected by this article shall enforce the same and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within [thirty] *sixty* days after the alleged offense was committed. All officers and members of such boards, or department, all health commissioners, inspectors, and other persons appointed or designated by such boards, departments or commissioners may visit and inspect at reasonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article. *In cities of the first class the commissioner of labor shall enforce the provisions of this article, and for that purpose he and his subordinates shall possess all powers herein conferred upon town, village, or city boards and departments of health and their commissioners, inspectors, and other officers, except that the board or department of health of said cities of the first class shall continue to issue employment certificates as provided in section one hundred and sixty-three of said chapter.*

§ 9. Section one hundred and seventy-three of said act as amended by chapter two hundred and fifty-five of the laws of nineteen hundred and three is hereby amended to read as follows:

§ 173. Copy of article to be posted.— *Except as other provision is made by this act,* [A] a copy of this article shall be posted in [three] *a conspicuous place[s] on every floor in each establishment wherein three or more persons are employed who are affected by its provisions.*

§ 10. The said act is hereby further amended by inserting between articles twelve and fourteen of said act, a new article to be known as article thirteen, and to read as follows:

ARTICLE XIII.

Bureau of Mercantile Inspection.

Section 180. Mercantile inspectors.

181. Deputies.

182. General powers and duties.

183. Reports.

184. Laws to be posted.

§ 180. Mercantile inspector.— *There shall be a bureau of mercantile inspection, which shall be under the immediate charge of a mercantile inspector, but*

subject to the direction and supervision of the commissioner of labor. The mercantile inspector shall be appointed and be at pleasure removed by the commissioner of labor, and shall receive such annual salary not to exceed two thousand dollars as may be appropriated therefor.

§ 181. *Deputies.*—The commissioner of labor may appoint from time to time not more than ten deputy mercantile inspectors, not less than two of whom shall be women, and who may be removed by him at any time. The deputy mercantile inspectors may be divided into three grades, but not more than two shall be of the third grade. Each deputy inspector of the first grade shall receive an annual salary of one thousand dollars, each of the second grade an annual salary of one thousand two hundred dollars, and each of the third grade an annual salary of one thousand five hundred dollars.

§ 182. *General powers and duties.*—*Subdivision 1.* The commissioner of labor may divide the cities of the first class of the state into districts, assign one or more deputy mercantile inspectors to each district, and may in his discretion transfer them from one district to another; he may assign any of them to inspect any special class or classes of mercantile or other establishments specified in article eleven of this chapter, situated in cities of the first class, or to enforce in cities of the first class any special provisions of such article.

Subd. 2. The commissioner of labor may authorize any deputy commissioner or assistant and any special agent or inspector in the department of labor to act as a deputy mercantile inspector with the full power and authority thereof.

Subd. 3. The commissioner of labor, the mercantile inspector and his assistant or assistants and every deputy or acting deputy mercantile inspector may in the discharge of his duties enter any place, building or room in cities of the first class where any labor is performed which is affected by the provisions of article eleven of this chapter, and may enter any mercantile or other establishment specified in said article, situated in cities of the first class, whenever he may have reasonable cause to believe that any such labor is performed therein.

Subd. 4. The commissioner of labor shall visit and inspect or cause to be visited and inspected the mercantile and other establishments specified in article eleven of this chapter situated in cities of the first class, as often as practicable, and shall cause the provisions of said article to be enforced therein.

Subd. 5. Any lawful municipal ordinance, by-law or regulation relating to mercantile and other establishments specified in article eleven of this chapter, in addition to the provisions of this chapter and not in conflict therewith, may be enforced by the commissioner of labor in cities of the first class.

§ 183. *Reports.*—The commissioner of labor shall make an annual report to the legislature of the operation of this bureau.

§ 184. *Laws to be posted.*—A copy or abstract of the applicable provisions of this chapter, to be prepared and furnished by the commissioner of labor, shall be kept posted by the employer in a conspicuous place on each floor of every mercantile or other establishment specified in article eleven of this chapter, situated in a city of the first class, wherein three or more persons are employed who are affected by such provisions.

§ 7. This act shall take effect October first, nineteen hundred and eight.

Approved June 16, 1908.

WAGES IN MANUFACTURING INDUSTRIES, 1905.

A recent Bulletin (No. 93) of the Federal Bureau of the Census presents statistics of the wages of wage earners which were collected in connection with the census of manufactures for 1905. These statistics represent the actual weekly earnings of the shop employees in the establishments reporting for the busiest week, as a rule, or in some cases some other representative week, of the census year. The figures were taken direct from pay-rolls in all cases except for establishments with less than ten wage earners. For some of the latter, where pay-rolls were lacking, verbal statements by proprietors or superintendents from personal knowledge were accepted as sufficiently reliable. For the entire United States the number of wage earners in establishments with less than 10 constituted but 11.8 per cent of the whole number of wage earners in all establishments reporting. For New York State the proportion was 13.5 per cent.

This accurate return of actual weekly earnings in a busy week of a prosperous year affords the following figures for New York State.

The census of manufactures in 1905 showed for New York State a total of 37,194 manufacturing establishments in which the greatest number of wage earners employed during the year was 1,075,570. In 3,625 establishments no wage earners were reported. Of the 33,569 establishments with wage earners, 19,030, or 56.7 per cent, made return of weekly earnings for 430,475 wage earners, or 40.0 per cent of the greatest number of wage earners in manufacturing establishments during the year. Of the 430,475 wage earners represented in the returns there were —

13.5 per cent	in establishments with less than 10 employees
19.0 per cent	in establishments with 10 to 50 employees
21.0 per cent	in establishments with 50 to 150 employees
14.3 per cent	in establishments with 150 to 300 employees
10.8 per cent	in establishments with 300 to 500 employees
21.4 per cent	in establishments with 500 or more employees

Of the total number 74.0 per cent were men 16 years old or over, 25.1 per cent were women 16 or over and 0.9 per cent were children under 16 years. The average and classified weekly earnings of each of these classes were as follows:

[JUNE, 1908] WAGES IN MANUFACTURING INDUSTRIES, 1905. 199

AVERAGE AND CLASSIFIED WEEKLY EARNINGS OF WAGE-EARNERS IN MANUFACTURING INDUSTRIES IN NEW YORK STATE, 1905.

Earnings per week.	MEN. 16 years or over.		WOMEN. 16 years or over.		CHILDREN. Under 16.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Less than \$3...	5,007	1.6	7,038	6.5	875	21.9	12,920	3.0
\$3 to \$4	7,174	2.2	10,925	10.1	1,718	42.9	19,817	4.6
4 to 5	9,742	3.0	16,230	15.0	919	22.9	26,891	6.3
5 to 6	11,403	3.6	16,771	15.5	340	8.5	28,514	6.6
6 to 7	15,534	4.9	15,846	14.7	102	2.6	31,482	7.3
7 to 8	21,706	6.8	12,390	11.4	31	0.8	34,127	7.9
8 to 9	23,450	7.4	9,152	8.5	15	0.4	32,619	7.6
9 to 10	39,985	12.6	6,929	6.4	2	0.0+	46,914	10.9
10 to 12	49,374	15.6	6,938	6.4	.....	.....	56,312	13.1
12 to 15	57,275	18.0	3,969	3.7	.....	.....	61,244	14.2
15 to 20	51,666	16.2	1,518	1.4	.....	.....	53,561	12.4
20 to 25	16,574	5.2	271	0.3	.....	.....	16,574	3.9
25 or over	9,300	2.9	106	0.1	.....	.....	9,300	2.2
Total	318,390	100.0	108,083	100.0	4,002	100.0	430,475	100.0
Average earnings per week.....	\$11.79		\$6.54		\$3.64		\$10.40	
Average for U. S.	\$11.16		\$6.17		\$3.46		\$10.06	

Men 16 years old or over averaged \$11.79 per week. The median wage for men, that is, the wage which is exceeded by one half the men, while the other half fall below it, is found in the group of \$10 to \$12. The largest number of men (18.0 per cent of the total) is found in the group of \$12 to \$15. Of the whole number, 24.3 per cent earned \$15 per week or more, 42.3 per cent earned \$12 or more, and 77.9 per cent earned \$8 or more.

Women 16 years old or over earned on the average \$6.54 for the week. The median wage for women was in the \$6 to \$7 group. The largest number of women (15.5 per cent of the total) appears in the group of \$5 to \$6. Of all the women, 26.8 per cent earned \$8 per week or more, 54.9 per cent earned \$6 or more and 69.9 per cent earned \$5 or more.

For children the average weekly earnings were \$3.46, with the median wage and also the wage of the greatest number (42.9 per cent of the total) in the \$3 to \$4 group. Of the whole number, 21.9 per cent earned less than \$3 per week, 64.8 earned less than \$4 and 87.7 per cent less than \$5.

The Census Bulletin shows earnings in New York State for each of 29 selected industries in which there were 239,210 wage earners, or 55.6 per cent, of the total for all returns as above. The three following tables afford a convenient comparison of earnings in the different industries for men, women and children separately, the industries being ranked in each case according to average weekly earnings:

Weekly Earnings of Men 16 Years Old and Over, By Industries.

INDUSTRY.	Number reporting.	Average weekly earnings.	NUMBER PER HUNDRED WHO EARNED							
			Less than \$3.	\$3 to \$6.	\$6 to \$9.	\$9 to \$12.	\$12 to \$15.	\$15 to \$20.	Over \$20.	
All industries.....	318,390	\$11.79	1.6	8.8	19.1	28.2	18.0	16.2	8.1	
Twenty-nine selected industries.....	165,843	\$11.94	1.6	8.1	18.4	27.8	18.1	18.0	8.0	
Printing and publishing, newspapers and periodicals.....	6,801	\$16.22	2.8	8.9	11.7	16.3	12.5	15.9	31.9	
Liquors, malt.....	3,557	15.82	0.3	1.1	2.6	8.2	21.8	55.9	10.1	
Clothing, women's.....	9,532	13.67	0.5	5.3	15.6	23.9	18.7	19.1	16.9	
Printing and publishing, book and job.....	9,196	13.38	4.3	13.0	14.4	14.6	15.1	20.1	18.5	
Milled and lace goods.....	960	13.23	1.9	10.2	19.4	18.6	16.4	14.9	18.6	
Musical instruments, pianos.....	2,521	13.01	1.4	9.1	14.7	19.6	18.7	23.9	12.6	
Structural ironwork.....	4,280	12.98	0.6	4.1	19.0	28.1	16.3	21.2	10.4	
Bread and other bakery products.....	10,374	12.52	0.6	4.8	10.2	21.9	31.5	27.7	8.3	
Lumber, planing mill products, including sash, doors and blinds.....	6,848	12.40	0.9	6.9	16.7	25.9	18.0	23.5	8.2	
Clothing, men's.....	9,362	12.30	1.1	11.5	18.0	21.2	16.5	17.7	14.0	
Silk and silk goods.....	1,545	12.28	1.2	13.2	14.4	27.1	17.3	29.0	7.3	
Foundry and machine shop products.....	29,558	12.13	1.2	8.0	15.5	27.6	17.9	24.2	5.9	
Bookbinding and blank book making.....	2,143	12.09	0.6	14.9	20.5	20.5	15.0	20.0	9.6	
Carriages and wagons.....	4,589	11.97	1.2	4.3	11.9	31.4	28.9	20.6	7.9	
Iron and steel, steel works and rolling mills.....	3,293	11.49	1.0	3.9	28.9	38.7	12.7	6.9		
Cars and general shop construction and repairs by steam railroad companies.....	7,993	11.31	0.8	3.0	19.5	39.5	21.7	14.0	1.5	
Gas, flintknapping and heating.....	1,634	11.22	2.7	8.2	15.2	34.0	18.9	17.9	3.3	
Confectionery.....	1,493	10.73	0.3	10.1	28.6	28.5	18.7	12.7	3.7	
Shoes and shoos.....	4,686	10.56	2.2	13.6	26.9	26.0	18.3	9.7	5.1	
Tobacco, cigars and cigarettes.....	3,414	10.56	1.7	14.6	20.7	24.6	22.0	13.3	3.1	
Furniture.....	8,458	10.54	1.3	8.8	28.8	28.9	19.7	11.2	3.3	
Brick and tile.....	7,438	10.38	0.9	4.2	16.4	32.5	19.3	7.1	3.6	
Paper and wood pulp.....	7,069	10.28	3.5	5.6	19.7	45.6	14.3	5.8	3.5	
Shirts.....	2,069	10.23	3.3	20.6	23.7	21.6	12.5	11.9	3.5	
Boxes, fancy and paper.....	2,060	10.13	1.8	16.0	22.1	23.4	16.2	12.3	3.2	
Collars and cuffs.....	1,044	10.08	1.6	19.1	24.6	24.2	14.8	11.6	4.2	
Shirts.....	4,817	9.61	0.6	2.9	30.0	51.5	7.1	5.6	2.3	
Lumber and timber products.....	3,842	9.06	1.4	8.2	46.8	28.9	8.2	4.8	1.7	
Hosiery and knit goods.....	3,130	8.59	6.6	8.0	29.0	42.3	10.6	2.7	0.8	
Canning and preserving, fruits and vegetables.....										

Weekly Earnings of Women 16 Years Old and Over, By Industries.

INDUSTRY.	Number reporting.	Average weekly earnings.	NUMBER PER HUNDRED WHO EARNED									
			Less than \$3.	\$3 to \$4.	\$4 to \$5.	\$5 to \$6.	\$6 to \$7.	\$7 to \$8.	\$8 to \$9.	\$9 to \$10.	\$10 to \$12.	over \$12.
All Industries.....	108,083	\$9.54	6.5	40.6	34.6	12.8	3.7	1.8				
Twenty-nine selected Industries.....	71,313	\$9.80	5.9	37.3	35.9	14.5	4.3	2.1				
Cars and general shop construction and repairs by steam railroad companies.....	2	\$9.50			50.0	50.0						
Clothing, women's.....	11,916	7.68	4.0	27.2	37.6	20.4	6.8	4.0				
Collars and cuffs.....	5,330	7.68	5.7	27.2	32.9	21.0	9.1	4.1				
Millinery and lace goods.....	5,159	7.63	5.7	29.6	34.2	17.7	7.9	4.9				
Tobacco, cigars and cigarettes.....	8,763	7.36	3.3	29.4	48.8	18.0	4.7	0.8				
Printing and publishing, book and job.....	2,093	7.30	12.0	33.7	30.1	14.0	4.5	5.7				
Printing and publishing, newspapers and periodicals.....	1,674	7.26	4.9	36.8	37.3	9.8	4.1	7.1				
Hosiery and knit goods.....	6,963	7.12	2.8	27.5	47.8	18.1	3.4	0.4				
Boots and shoes.....	2,241	7.03	4.3	33.0	40.5	15.6	5.2	1.4				
Lumber, planing mill products, including sash, doors and blinds.....	20	6.90		35.0	50.0	15.0						
Iron and steel, steel works and rolling mills.....	63	6.60	3.2	37.0	55.5	14.3						
Clothing, men's.....	6,696	6.47	6.2	37.7	39.4	12.8	2.7	1.2				
Shirts.....	2,893	6.29	12.7	35.7	34.4	12.5	3.6	1.1				
Bookbinding and blank book making.....	2,010	6.13	3.5	50.2	32.9	10.6	2.1	0.7				
Carriages and wagons.....	50	5.90	4.0	52.0	40.0	2.0						
Foundry and machine shop products.....	358	5.90	1.4	53.4	39.6	4.4	0.6	0.6				
Silk and silk goods.....	3,160	5.68	8.2	52.9	28.3	7.5	2.3	0.8				
Boxes, fancy and paper.....	3,058	5.65	6.6	53.5	31.4	7.3	0.9	0.3				
Furniture.....	211	5.52	13.7	51.7	21.9	6.6	4.2	1.9				
Structural ironwork.....	2	5.50		50.0	50.0							
Lumber and timber products.....	13	5.46	7.6	53.9	38.5							
Bread and other bakery products.....	1,823	5.30	8.3	53.3	31.6	5.8	0.9	0.1				
Liquors, malt.....	6	5.17	16.6	33.3	50.1							
Paper and wood pulp.....	242	5.12	6.2	66.2	26.0	0.8						
Confectionery.....	2,443	5.09	7.1	66.6	20.4	4.9	0.8	0.2				
Canning and preserving fruits and vegetables.....	4,132	4.71	12.1	68.0	18.2	1.7						
Gas, illuminating and heating.....	2	4.50	100.0									

Weekly Earnings of Children Under 16 Years By Industries.

INDUSTRY.	Number reporting.	Average weekly earnings.	NUMBER PER HUNDRED WHO EARNED				
			Less than \$3.	\$3 to \$4.	\$4 to \$5.	\$5 to \$6.	Over \$6.
All Industries.....	4,002	\$3.64	21.9	42.9	22.9	8.5	3.8
Twenty-nine selected industries.....	2,054	\$3.50	28.9	39.3	20.2	7.6	4.0
Brick and tile.....	22	\$4.50	13.6	27.3	13.6	31.8	13.7
Hosiery and knit goods.....	324	4.15	10.5	34.2	32.1	16.4	6.8
Liquors, malt.....	1	4.00	.....	.....	100.0	.....	.....
Shirts.....	1	4.00	.....	100.0	.....	.....	.....
Lumber, planing mill products, including sash, doors and blinds.....	14	3.79	14.3	50.0	28.6	7.1	.....
Printing and publishing, book and job.....	144	3.78	19.4	35.4	25.0	13.2	7.0
Foundry and machine shop products.....	39	3.74	17.9	43.6	20.5	7.7	10.3
Bookbinding and blank book making.....	92	3.63	19.6	45.6	27.2	4.3	3.3
Collars and cuffs.....	99	3.49	6.1	64.7	24.2	4.0	1.0
Silk and silk goods.....	179	3.49	24.6	50.8	19.0	2.8	2.8
Furniture.....	33	3.48	12.1	60.6	21.2	6.1	11.8
Bread and other bakery products.....	119	3.46	45.4	21.8	11.8	9.2	.....
Clothing, women's.....	107	3.44	20.6	50.4	24.3	4.7	.....
Millinery and lace goods.....	47	3.43	23.4	49.0	23.4	2.1	2.1
Clothing, men's.....	114	3.36	33.3	43.0	15.8	3.5	4.4
Tobacco, cigars and cigarettes.....	192	3.36	50.5	26.6	13.5	7.3	2.1
Confectionery.....	31	3.35	9.7	74.2	15.1	.....	.....
Canning and preserving, fruits and vegetables.....	88	3.32	34.1	40.9	15.9	5.7	3.4
Paper and wood pulp.....	19	3.32	21.0	47.4	21.6	.....	.....
Musical instruments, pianos.....	12	3.17	8.3	83.3	8.4	.....	.....
Printing and publishing, newspapers and periodicals.....	75	3.12	41.4	36.0	20.0	12.0	1.3
Boots and shoes.....	137	3.02	46.0	38.0	10.9	4.4	0.7
Carriages and wagons.....	13	3.00	53.8	23.1	7.7	7.7	7.7
Lumber and timber products.....	6	2.83	50.0	50.0	.....	.....	.....
Boxes, fancy and paper.....	146	2.71	56.8	27.4	12.3	1.4	2.1

WAGES OF CHILDREN IN FACTORIES IN NEW YORK CITY, 1908.

For about a month during March and April of this year the Bureau of Factory Inspection caused the deputy factory inspectors at work in New York City to report for each child 14 to 16 years of age (14 or over, but under 16,) found at work in factories inspected, the weekly wage of such child. The statements of wage rates were secured from the employers. No selection of industries or occupations was made, but all cases were taken as they came in the course of regular inspection work during the period when such returns were required. The succeeding table presents the results of a tabulation of these returns.

The returns cover 632 children, who were found in 227 establishments. Of the whole number of children a considerable majority, 398 in all, were girls. Represented in the returns are 33 different industries. A very much larger variety of occupations is represented, so large in fact as to render unprofitable a tabulation for smaller divisions than industries. Errand and office boys or girls numbered 134 (101 boys), with other shop workers numbering 498 (133 boys). The great majority of the children were working at time work, but some piece workers are included in the returns.

The average weekly earnings of the girls were \$3.89. Thirty earned less than \$3 per week, including four learners or apprentices receiving no wages, while 17 earned \$6 per week or more. The average pay of the boys was \$4.27 per week. Only one earned less than \$3, he being an apprentice without wages, while 24 earned \$6 or over. The following condensed summary shows quite clearly what were the most common wages of the boys and girls covered by these returns:

Grades of earnings	Number in each grade		Percentage in each grade	
	Boys	Girls	Boys	Girls
Less than \$3 per week.....	1	30	0.4	7.5
\$3 to \$3.99 per week.....	61	134	26.1	33.7
\$4 to \$4.99 per week.....	114	173	48.7	43.5
\$5 to \$5.99 per week.....	34	44	14.5	11.0
\$6 or over.....	24	17	10.3	4.3
Total.....	234	398	100.0	100.0

Any close comparison between these returns and the recently published statistics of the Federal Census Bureau, quoted in preceding pages, is impossible owing to differences of time, industries and localities represented. It is very noticeable, however, that the average earnings of the 632 children under 16 here represented, which is \$4.03 per week for boys and girls together, is considerably higher than the average for the 4,002 in the census returns, which is \$3.64. This difference is doubtless due mainly to the fact that the former are New York City earnings while the latter represent the whole State. In corroboration of this explanation may be noted the fact that average annual earnings of children under 16, calculated by dividing total wages by average number employed as returned in the census of manufactures for 1905,* shows an average for New York City of \$198, as compared with \$187 for the State as a whole.

The present return in connection with the census wage statistics bring out the fact that the wages of boys and girls under 16 years of age vary comparatively little as compared with the wages of adult men and women. Thus the figures given in foregoing pages show an average wage for boys under 16 not quite 10 per cent higher than for girls under 16, while the average wage of men over 16 was 80 per cent higher than that for women over 16.

* See Bulletin No. 59 of the Bureau of the Census, pp. 57 and 75.

WEEKLY WAGES OF CHILDREN, 14 TO 16 YEARS OLD, IN 227 FACTORIES IN NEW YORK CITY, 1908.

INDUSTRY.	Sex.	Number reported.	Average weekly pay.	NUMBER WHOSE WEEKLY RATE OF PAY WAS—										
				Less than \$2.	\$2 to \$2.49.	\$2.50 to \$2.99.	\$3 to \$3.49.	\$3.50 to \$3.99.	\$4 to \$4.49.	\$4.50 to \$4.99.	\$5 to \$5.49.	\$5.50 to \$5.99.	\$6 and over.	
1. Stone, Clay and Glass Products:														
Pottery.....	M	1	\$4 30						1					
Glass and glassware....	M	18	3 72				11	1	2	1	2			
Total.....	M	19	\$3 75				11	1	3	1	2			
2. Metals, Machines and Conveyances:														
Jewelry.....	M	15	\$4 03				3	1	7	2	1			1
Metals other than iron and steel.....	M	13	4 08				2	3	2	4	1	1		
	F	15	3 85		1		1	5	2	6				
Iron and steel.....	M	6	4 50					1	1	1	1	2		
	F	2	4 00						2					
Electrical apparatus....	M	6	5 14					1	2					3
Vehicles.....	M	3	5 25							1	1			1
Total.....	M	43	\$4 35				5	6	12	8	4	3		5
	F	17	3 87		1		1	5	4	6				
3. Wood Manufactures:														
Cigar boxes.....	M	3	\$5 16					1	1					1
	F	4	3 25				2	2						
Pianos.....	M	12	4 29						7	3	2			
Wood novelties.....	M	2	4 00					1		1				
	F	4	4 00					1	2	1				
Total.....	M	17	\$4 41					2	8	4	2			1
	F	8	3 62				2	3	2	1				
4. Leather and Rubber Goods:														
Leather goods.....	M	8	\$3 56				3	1	3	1				
	F	6	3 83				2		2	2				
Shoes.....	M	12	3 29				4	4	4					
	F	16	3 84			1	3	2	6	3	1			
Hair and rubber goods..	M	8	4 12						6	2				
	F	5	3 60				1	2	2					
Total.....	M	28	\$3 25				7	5	13	3				
	F	27	3 79			1	6	4	10	5	1			
5. Chemicals, Oils, Paints, Etc.:														
Paint and varnish.....	M	8	\$4 00					2	5		1			
	F	3	4 50							3				
Drugs.....	M	1	4 00						1					
	F													
Total.....	M	8	\$4 00					2	5		1			
	F	4	4 37						1	3				
7. Printing and Paper Goods:														
Paper boxes and bags..	M	5	\$4 20					1	1	3				
	F	13	4 23				4		1	3	4	1		
Bookbinding.....	M	4	4 29					1	2		1			
	F	6	4 25					1	3	1		1		
Printing and lithographing.....	M	29	4 21	*1			3	2	9	5	6	1	2	
	F	4	3 76					2	2					
Fancy paper goods....	M	2	3 75					1	1					
	F	13	3 73				4	3	3	2	1			
Total.....	M	40	\$4 19	1			3	5	13	8	7	1	2	
	F	36	4 00				8	6	9	6	5	2		

* One receives no compensation.

WEEKLY WAGES OF CHILDREN, 14 TO 16 YEARS OLD, IN 227 FACTORIES IN NEW YORK CITY, 1908—(Concluded).

INDUSTRY.	Sex.	Number reported.	Average weekly pay.	NUMBER WHOSE WEEKLY RATE OF PAY WAS—									
				Less than \$2.	\$2 to \$2.49.	\$2.50 to \$2.99.	\$3 to \$3.49.	\$3.50 to \$3.99.	\$4 to \$4.49.	\$4.50 to \$4.99.	\$5 to \$5.49.	\$5.50 to \$5.99.	\$6 and over.
8. Textiles.....	M	13	\$4 42					2	3	3	5		
	F	41	4 39			4	4	5	5	3	5		9
9. Clothing, Millinery, Laundry, Etc.:													
Men's clothing.....	M	2	\$3 62					2					
	F	10	4 15				3		3		3	1	
Shirts and collars.....	M	1	4 00										
	F	5	3 50				2	1					
Men's neckwear.....	M	4	4 25							2			
	F	4	4 50										
Dressmaking.....	M	16	3 84				2	1	6	4	2		1
	F	54	4 00	*2	1	1	10	4	17	8	9		2
Women's white goods..	M	2	4 25					1					
	F	35	3 57			1	10	10	13		1		
Artificial feathers and flowers.....	M	7	4 50					2	2		1	1	1
	F	51	3 82		1	5	12	5	12	8	6	1	2
Millinery.....	M	4	4 25				1						
	F	35	3 07	†7	1		11	4	4	5	2	1	
Men's hats.....	M	14	5 82						1	1			12
	F	19	4 42					1	12	1	2		3
Laundry.....	M	4	4 25					1	1	1	1		
	F	5	4 30						3	1	1		
Miscellaneous needle-work.....	M	10	4 30				1	1	2	4	1	1	
	F	26	4 01				5	1	8	9	1	2	
Total.....	M	64	\$4 51				4	8	15	14	7	2	14
	F	244	3 79	. 9	3	7	53	26	76	32	27	4	7
10. Food, Liquors and Tobacco:													
Cigars.....	M	1	\$4 00						1				
	F	3	3 83				1		1				
Confectionery.....	M	18	3 62		2	3	3	4	1	4			1
Bottling beer.....	M	1	7 25										1
Total.....	M	2	\$5 62						1				1
	F	21	3 65		2	3	4	4	2	5			1
Grand Total.....	M	234	\$4 27	1	9	6	30	31	73	41	28	6	24
	F	398	3 89		6	15	78	56	112	61	38	6	17

* One receives no compensation.

† Three thereof receive no compensation.

DECISIONS OF NEW YORK COURTS.

Factory Law — Illegal Employment of Children.

Section 70 of the Labor Law prescribes that no child under 14 years of age and no child 14 to 16 years old without an employment certificate "shall be employed, permitted or suffered to work" in any factory. A decision of the Appellate Division, First Department, rendered in March holds that this prohibition lays upon the employer an absolute duty to prevent illegal employment of children in his establishment and that he may not escape this responsibility by pleading that he had directed his employees not to employ children illegally and that he was ignorant of the fact that children were illegally employed.

The case in question was that of the Kursheedt Manufacturing Company, whose superintendent in 1907 was prosecuted by a deputy factory inspector, and convicted, for employing a girl under 16 years of age without the necessary board of health certificate. On appeal the Appellate Division affirmed the judgment. There was one dissenting voice in the vote for affirmance, however, and the case has been carried to the Court of Appeals, where it is pending as this BULLETIN goes to press. The prevailing opinion of the Appellate Division by Mr. Justice Ingraham was as follows:

The defendant was convicted of a violation of section 70 of the Labor Law (chapter 184 of the Laws of 1903), which provides: "No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this state. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work, unless an employment certificate issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child." Upon the trial it appeared that an assistant to the State Factory Inspector called at the factory of Kursheedt Manufacturing Company and saw the defendant, who stated that he was the treasurer of the company and superintendent of the factory, and that he was in charge of the factory and responsible for the condition thereof. The witness then went into the factory and found a girl there named Florence De Flora; that the witness stated to the defendant that she was under sixteen years of age and had no certificate required by section 70 of the Labor Law; that this girl was upon the fifth floor of the building, the defendant's office being on the first floor. The girl Florence De Flora then testified that she was working for the Kursheedt Manufacturing Company; that at the time she was fifteen years of age; and that she had no certificate and none had been filed with her

employer. The defendant testified on his own behalf that he had been connected with the Kursheedt Manufacturing Company for twenty-nine years; that he had nothing to do with the employment of this girl; that the first time he saw her was on the 25th of March, the day the State factory inspector called at his office; that as soon as he knew of the circumstances he at once discharged the girl; and that she was not employed there with his consent or knowledge without a certificate. One Annie Murphy was then called and testified that she had been employed by this corporation for over fifteen years; that this girl had told her that she was sixteen years of age whereupon she employed her without having a certificate.

It thus appeared that the defendant was the superintendent of the factory and responsible for its condition, and that there was employed in the factory a child under sixteen years in violation of this provision of the Labor Law. The court excluded evidence offered by the defendant as to his directions to his subordinates to comply with this law and the defendant claims that this was error, especially in view of the evidence that the child was employed by the subordinates without the knowledge or consent of the defendant. But the statute provides that no child shall be "employed, permitted or suffered to work" in or in connection with any factory, thus imposing upon those responsible for the management or control of factories a special duty to see to it that no child under sixteen years of age without a certificate required by the statute shall be permitted or suffered to work in or about the factory. If the statute had been simply against employing the infant a different question would be presented. But where an employer of labor is prohibited from suffering or permitting a person to work in his factory he cannot escape responsibility where a person is suffered and permitted to work in violation of the statute. There is imposed upon him a duty of preventing a person within the prohibited clause from being allowed to work and if he fails in the performance of that duty he violates the statute and is guilty of a misdemeanor.

The judgment appealed from should be affirmed.

Eight Hour Law — No Recovery for Overtime Work.

An employee of the city of New York who had rendered services beyond eight hours per day under an agreement with the city sought to recover therefor compensation which had been promised but not paid by the city. The Municipal Court dismissed the complaint and the Appellate Division of the Supreme Court unanimously sustained this judgment, holding that the clause of section 3 of the Labor Law which provides that "This section does not prevent an agreement for overwork at an increased compensation except upon work by or for the state or a municipal corporation or by contractors or sub-contractors therewith," is a clear inhibition against overtime work for a municipality, so that the latter had no power to contract for the extra services and therefore could not be charged with the obligation to pay charged by the plaintiff. "Persons dealing with a munic-

ipal corporation are presumed to know what its powers are, as these are conferred by legislative act and recorded in a manner accessible to all (20 Am. & Eng. Ency. of Law [2d ed.], 1142), and if the plaintiff has performed services for the city of New York beyond the powers of the municipality to contract for, he is not in a position to assert a claim for such services." *Burns v. City of New York*, 121 App. Div. 180.

Recovery of Wages.

That labor performed gives full right to recover compensation therefor is brought out in a unanimous decision in reversal of judgment in a lower court rendered by the Appellate Division in the Fourth Department, as indicated by the following pertinent paragraph from the opinion:

The complaint alleges the death of Susan Anson and the issue of letters of administration to the defendant. Further, that at a time stated the plaintiff 'went into the employ of the said Susan Anson at her request and continued in her employ and performed work, labor and services for her and at her request' until a time alleged, and that the services were those of 'a laborer and farm hand;' and that 'said services were reasonably worth the sum of two thousand five hundred dollars.' These averments comprise the first cause of action and it is plain they charge that the plaintiff was engaged in the service of the defendant for a definite period, and that the work performed pursuant to the employment was worth a certain sum. It is not necessary to allege that the employer expressly agreed to pay for these services or to pay a precise sum. If she engaged the plaintiff in her service, or if he performed work at her request, the implication is that she was to pay therefor. She may never have agreed in terms to pay him, although the expectation to do so may be certain. In any event in ordinary circumstances the failure of the master to agree expressly to compensate his servant does not debar the latter from recovering what he has fairly earned. —*Babcock v. Anson*, 122 App. Div. 73.

Rights of Union Members — Expulsion for Violation of Rules.

A member of the Port Jervis division of the Brotherhood of Locomotive Engineers was expelled by his local division (such action being afterward affirmed on appeal by the national head of the order) because of alleged violation of a rule of the Brotherhood reading:

Any member who, by verbal or written communication to railroad officials or others, interferes with a grievance that is in the hands of a committee, or at any other time makes any suggestion to any official that may cause discord in any division, shall be expelled when proven guilty.

The action which was alleged to violate this rule occurred in connection with proposed change in a certain run which would have the effect of lengthening the run, making the outer terminal far distant from the home, instead of in the home, of most of the members of the division. The local, therefore, opposed the change and at a special meeting appointed a committee to call on the railway officials and protest against it. The member afterward expelled attended the meeting and voted for such action. Later, the mechanical superintendent of the road visited the locality and calling in the different engineers informed them that the company had determined to make the change in the run. The member expelled made certain inquiries of the superintendent in regard to the new run and then said: "If you decided to run the men through and give it a trial, all right, I will do the best I can," and afterwards in discussion with his fellow members that under the existing agreement with the company the latter had a right to alter the run and that they were bound to obey the orders making the change. The division at no time took any action, or expressed any opinion, looking toward a refusal to obey such orders.

In due course the member who had thus acquiesced in the orders, and solely for that reason, was expelled from the organization. He, however, held insurance policies in the order amounting to \$4,500 upon which he had paid premiums and assessments of about \$1,500. As his expulsion would have deprived him of the benefit of this, he brought suit for reinstatement in the organization in the Supreme Court in Orange county, and secured a judgment annulling the order expelling him, and reinstating him with full rights. In his decision Justice Mills said, in part:

"My conclusion, therefore, is that the charge against the plaintiff of offering his advice and service to the officials was totally unproven, and that, therefore, the action of his fellow members, in finding the charge proven and in voting for his expulsion, must have proceeded upon some entire misapprehension of the law or the facts, and so should here be regarded as contrary to natural justice.

* * * * *

"In the whole case I can see no substantial fault in the conduct of the plaintiff — nothing of which his fellow members ought to complain. The

gist of his offending seems to have been merely that he took the view that it was the duty of the engineers to obey the order of the railroad officials, if given, to run through to Susquehanna, he taking this view upon the ground that the contract between the company and the engineers gave the company the right to give such order. Whether or not this view of the effect of the contract be correct is still an open question, as no tribunal in or out of the order has held to the contrary. Until such a decision has been rendered, it would seem manifest that every member of the order ought to be at liberty to hold and among his fellows freely express his own opinion upon the question. Any rule prohibiting this would seem unreasonable and despotic.

"The expulsion from such an order of a member, and especially of one of so long and creditable standing as the plaintiff, and the consequent loss to him of the provision which for fully twenty years he has been making, by paying insurance charges aggregating a large sum, for the support of his wife after his death and for his own aid in case of injury or sickness, is a very serious matter and should not be had except for substantial cause." —*Fritz v. Knaub*, 57 Misc. Rep. 405.

Voluntary Relief Association.

A decision in January by the Appellate Division in the Third Department makes clear the meaning of a rule of the Pennsylvania Railroad Voluntary Relief Fund which limits the right to benefits to those who as result of injuries are "totally unable to labor, or when of a permanent character, to earn a livelihood in an employment suited to his capacity." The question at issue in the case was as to whether this meant capacity before the injury or *after*. Four of the five judges of the Appellate Court hold that this refers undoubtedly to capacity *after* the injury, so that a flagman receiving \$75 per month who lost an arm as a result of an accident but subsequently was given employment as messenger at \$40 per month was held to be not entitled to benefits after the healing of the wound, his ability to earn \$40 a month being plain evidence of capacity to earn a livelihood in an employment suited to his disabled condition, such having been the ruling of the medical examiner who, under the regulations of the fund, is to decide the question in such cases. *Hunt v. Northern Central Ry. Co.*, 124 App. Div. 43.

Employers' Liability.

[Under this heading are recorded all decisions of courts of record under the Employers' Liability Law of 1902 or the General Labor Law; also decisions under the common law handed down by the Court of Appeals, or by the Appellate Divisions of the Supreme Court when final. Other decisions under the common law are not reported here unless special circumstances make them of unusual interest.]

LIABILITY LAW OF 1902.

1. An oiler was assisting to repair a belt under the direction of a foreman. The foreman had no power to stop the machinery but had ordered it slowed down. He then cut the lacing of the belt, being assisted by plaintiff and another workman. At foreman's direction the loose end of the belt was thrown to the floor and plaintiff was ordered to throw the belt off the main shaft. In attempting to do this the belt wound around his legs throwing him against the shaft and his leg was taken off above the knee. The Fourth Appellate Division set aside an award of \$12,500 granted plaintiff (see BULLETIN 1907, p. 185) on the ground that the foreman was himself assisting in the work and that the work plaintiff was directed to do was a mere detail, and therefore, the foreman's act was the act of a fellow-servant. The Court of Appeals, however, unanimously reversed the Appellate Division. The opinion written by Chief Justice Cullen is in part as follows:

"To render the master liable the negligence must not only be on the part of the person who is acting as superintendent, but also in an act of superintendence. But if the act be of that character the fact that in a sense it is a detail of the work will not relieve the master from liability. In the prosecution of many, if not most, works, superintendence is a detail of the work, in the accurate use of that term. It is often so denominated in the older cases and properly so, because before the statute it was unnecessary to distinguish between negligence of a superintendent and that of a co-laborer of the same grade as that of the person injured so far as any liability of the master was involved. The statute has changed this. In the *McHugh* case the defendant was held liable for the negligence of a train dispatcher in starting a train. The dispatcher performed that act, doubtless, scores of times a day, and its performance was a mere detail of his ordinary day's work. Therefore, the question in any case brought under the statute is not whether the negligent act is a detail of the work, but whether it is a detail of the superintendent's part of the work, or of that of the subordinate employees and servants. In the present case had the foreman, Mullin, attempted to stop the engine himself and so carelessly done the work as to cause injury to other employees, that might very well be deemed the negligence of a co-servant for which the master would not be liable; but the determination of the question whether the machinery should be stopped before the men were put to work on it was of a very different character. None of the other workmen could direct the engine to be stopped. Mullin alone had that power. His direction in reference thereto, or failure to direct, was an act of superintendence. At least, the jury was authorized to so find."—*Guilmartin v. Solvay Process Co.*, 189 N. Y. Rep. 490.

2. In a somewhat similar case the Court of Appeals set aside a verdict which had been affirmed by the First Appellate Department. An employee was caught in some shafting and killed. It appeared that, under the orders of one Brady, a workman who was alleged to be and who may be assumed to have been the superintendent of the room in which he was working, the decedent was engaged with another workman in replacing a belt upon a pulley; that they were assisted in this work by said superintendent and that, while decedent was endeavoring by hand to slip the belt upon the pulley which was then disconnected from the power shaft and was not moving, the superintendent, suddenly and without warning, and probably for the purpose of assisting in rolling the belt on pulley, connected the pulley shaft with the moving power shaft, so that the pulley was suddenly thrown into motion and decedent was caught and injured thereby. The trial court charged in effect that the superintendent was powerless to divest himself of his character as such and that every act performed by him, including the act resulting in the accident, was performed by him as superintendent rather than as an ordinary co-worker, and for the negligent character of which the defendant was responsible. This the Appellate Division holds to be error in that the question as to whether the act was one of superintendence or that of a fellow-servant should have been submitted to the jury.—*Gallagher v. Newman*, 190 N. Y. 444.

3. Plaintiff, a skilled craneman, had gone to the top of a crane to oil it, when defendant's foreman turned on the current of electricity, giving plaintiff a shock and causing him to fall to the floor beneath. It appeared that defendant reported to this foreman at the beginning and end of each day's work and received directions from him as to the time and place where materials were to be moved. The operation of the crane, however, was the sole duty of plaintiff and foreman was not authorized to interfere in any way. Suit was brought and the case was dismissed in trial court. The Fourth Appellate Department then affirmed this judgment and the Court of Appeals by a vote of five to one reaffirmed the judgment, holding that the foreman's act in turning on the current was not an act of superintendence and that

therefore the employer was not liable.— *Quinlan v. Lackawanna Steel Co.*, 191 N. Y. 329.

4. A brakeman was killed September 25, 1905, through the failure of a defective coupling lever to operate properly. Suit was brought and a recovery of \$6,000 was had by plaintiff's intestate. On appeal the Fourth Department reversed the judgment on the ground that plaintiff assumed the risk of the employment but the Court of Appeals by a vote of six to one reversed the Appellate Division and affirmed the original award. It was held by the provisions of the Employers' Liability Act (L. 1902, ch. 600, § 3) the question whether the employee, for whose death or injury an action is brought under the statute, assumed the risk of injury, is expressly made "one of fact, subject to the usual powers of the court * * * to set aside a verdict rendered contrary to the evidence," and where the Appellate Division, approving the facts as found by the jury, reverses a judgment in such an action, as a matter of law, upon the ground that the plaintiff's intestate assumed the risk which resulted in his death, such determination constitutes reversible error. While the Appellate Division, if not satisfied with the verdict, could have set aside as contrary to the evidence, it had no power to set it aside contrary to law.— *Clark v. N. Y. C. & H. R. R. Co.*, 191 N. Y. 416.

5. To recover damages for injuries, it is necessary that the employee prove affirmatively that his employer was guilty of negligence and that the employee was free from contributory negligence. On October 6, 1902, while in the hold of a vessel unloading ore, plaintiff was injured by the fall of a steel bucket. This bucket was lowered and raised by means of a hoisting chain on the end of which was a hook that fitted into a hole in the handle of the bucket. This hook had become loose and as the bucket was lowered it slipped from the hole and the bucket fell, causing the damage complained of. A verdict in favor of the plaintiff was secured in the trial court and affirmed by the Fourth Appellate Department, but these judgments were set aside by the Court of Appeals by a vote of five to two on the ground that plaintiff failed to show that if another hook had been used the accident

could not or probably would not have occurred.—*Carney v. Minnesota Dock Co.*, 191 N. Y. 301.

6. The Employers' Liability Act modifies the common-law doctrine that the master is not liable to one employee for the negligence of another by making the master liable for the negligence of any person "intrusted with and exercising superintendence." In construing the statute the courts have given substantial effect to the words "and exercising superintendence," drawing a line between acts of direction and oversight and acts of manual labor. In the present case this distinction is drawn. Plaintiff was one of a gang of men engaged in trimming trees so as to permit the stringing of electrical wires. While engaged in this work a loose limb swung toward him and in seeking to avoid being struck he fell from the tree. It appeared from the testimony that the foreman of the gang exercised no superintendence except to designate the tree to be trimmed. A judgment of the trial court in favor of the defendant was therefore unanimously affirmed.—*Lowrey v. Huntington Light & Power Co.*, 121 App. Div. 245.

7. An employee in a railroad yard while passing between two moving cars was caught and his arm taken off. Suit was brought and the trial court dismissed the complaint but the Second Appellate Division unanimously reversed this judgment, holding that, a foreman in charge of men in a railroad yard who orders one to hurry and go between two cars at a time when a switch engine is "kicking" cars down the track, whereby he was injured, is engaged in an act of superintendence and it is for the jury to say whether the act was negligent. When the action for such injury is brought under the Employers' Liability Act, the negligence of the foreman performing acts of superintendence is the negligence of the master and the questions of assumption of risk by the plaintiff or of his contributory negligence in remaining in the place, knowing it to be dangerous, are questions for the jury.—*Onesti v. Central New England Railway Co.*, 121 App. Div. 554.

8. A longshoreman recovered \$6,000 damages for injuries received in August, 1904, from the fall of a box. At the direction

of defendant's superintendent this box had been placed in a portable gangway. Later, while superintendent was in another part of the works, the box fell and under the direction of one Vanderheyden, an employee, the box was reset but later fell and injured defendant. The Third Appellate Department in November, 1907, reversed the judgment on the ground that the evidence failed to show that Vanderheyden was one whose sole or principal duty was that of superintendence. He was simply an employee with some power of direction while superintendent was present. The placing of the box was a detail of the work and under the common law the master was not liable. The Employers' Liability Act especially stipulates that an employer is liable for the negligence of one whose "sole or principal duty is that of superintendent, or in the absence of such superintendent of any person acting as superintendent with the authority or consent of such employer" and, since the statute is in derogation of common law should be strictly construed.—*Williams v. Citizens Steamboat Co.*, 122 App. Div. 188.

9. In setting aside an award of \$12,500 damages granted a workman the Second Appellate Department held that the act, of a superintendent of a machine shop who jerked a belt while assisting a workman to place it on a machine, whereby the employee was injured, was not one of superintendence but a mere act of manual labor.—*Kujava v. Irving*, 122 App. Div. 375.

10. Plaintiff's intestate was employed as a chainman in defendant's stone yard. On September 12, 1902, while plaintiff's intestate was at work fastening hoisting chains on a stone, it is alleged that defendant intruding in a detail of the work gave the signal to the derrick man to start the machinery without giving deceased proper time in which to finish his work. The stone turned over, falling on defendant and killing him. Suit was brought to recover damages but the case was dismissed. On appeal the First Department set aside the non-suit and granted a new trial, holding that it is never proper to dismiss a complaint where there is a substantial conflict of evidence upon the material question in issue, even though in the opinion of the trial court the evidence is insufficient to justify a verdict.—*Powers v. Miller*, 123 App. Div. 396.

11. Plaintiff was a machinist, part of whose duties was to clean the cables and sheaves of an elevator. While engaged in this work in company with another employee whose duty it was to signal the elevatorman when to start and to stop, and to inform plaintiff when it was safe to proceed with his work, through negligence of the latter, plaintiff was allowed to proceed with his work without warning the elevatorman, whereupon the elevator was started, plaintiff's fingers were caught and injury inflicted. The Supreme Court granted plaintiff damages of \$3,500, but on appeal the Second Appellate Department reversed this judgment on the ground that standing guard and giving directions when to proceed with work were not acts of superintendence, but that by "superintendence" the statute meant something more than mere authority to give directions to a helper in respect to some limited detail of the work.—*Folk v. Havemeyer*, 123 App. Div. 657.

12. A skilled stone worker was injured through the fall of a stone on January 15, 1904, and in February, 1907, was awarded \$6,500 damages at the New York County Trial Term of the Supreme Court in an action under the Liability Act of 1902, but the First Appellate Department unanimously set aside this award in November, 1907. McCarthy, the plaintiff, was rubbing a block of stone about four feet square and sixteen inches thick. It became necessary to raise the stone and in such case it was customary to bore holes in the middle of two sides in which "dogs" were inserted and attached to a derrick. McCarthy was told by defendant's superintendent that the stone was so small it would be necessary to bore the holes toward the corners rather than the middle. Plaintiff protested that the method was unsafe but chose places for the holes and bored them. When the stone was lifted it swayed and fell, injuring plaintiff. In reviewing the evidence the Appellate Court found nothing to show that the accident was caused by the location of the holes, and as plaintiff did all the work the negligence, if there was any, was his and not that of the employer or the superintendent.—*McCarthy v. Norcross Bros. Co.*, 121 App. Div. 775.

13. In January, 1905, the plaintiff, whose employer had detailed him to work on a steamship owned by other parties under the direction of the chief engineer of the ship, having descended

into the hold, which was dark, volunteered to go to the engine room for lamps. While so doing he fell through an open hatchway and was injured. It was shown that the plaintiff had had twenty-five years' experience in similar work, and there was no evidence that the person directing the work had any control over the hatchways or any authority to order them closed.

A verdict of \$12,000 was obtained in favor of plaintiff, but the Second Appellate Department set this award aside, holding that, assuming the person directing the work to have been the superintendent of the defendant, it was not shown that he was guilty of any neglect in superintendence, and that the plaintiff was not entitled to recover under the Employers' Liability Act; and that, in any event, the person superintending the work not being in the employ of the defendant nor subject to its control, his negligence was not chargeable to the defendant under the Employers' Liability Act, which covers only the negligence of superintendents in the service of the defendant.—*Droge v. Robins Co.*, 123 App. Div. 537.

14. Before beginning a suit for damages under the Employers' Liability Act it is necessary for the employee to serve notice in writing on the employer of the "time, place and cause of injury" within 120 days. The statute further states that no notice "shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury if it be shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby." The courts in this country have, however, refused to construe the word "inaccuracy" to mean an omission and to remedy this and similar defects the Massachusetts statute was amended so as to require the defendant upon whom a defective notice has been served to notify plaintiff or person serving the defective notice of the nature of the defect and, without such a notice given within five days, the defect is not available to the defendant on trial. In this state the statute remains as originally passed and a literal construction is the rule. In the present case the First Appellate Department reverses an award of \$5,000 granted an employee for injuries sustained through the breaking of a plank in a scaffold. In the notice plaintiff states the cause of injury as follows: "Your negligence in failing to furnish me with a safe,

proper and suitable place to perform the work which I was engaged to do by you; in failing to furnish me with proper and safe appliances with which to do the work which I was engaged to do by you and with failing to furnish me with competent fellow-employees." This was unanimously held not to be a substantial compliance with the statute.—*Barry v. Derby Desk Co.*, 121 App. Div. 810.

15. A verdict of \$7,500 damages granted for the death of a workman, caused by the alleged negligence of a superintendent, was set aside by the First Appellate Department. The notice of the time, place and cause of the injury, which was served by plaintiff in accordance with the provisions of the Employers' Liability Act, was held by the court to be insufficient, in that the statement of the cause of the injury was in general terms. This defect brought the action under common-law rules and the master was not therefore liable, since under the common law the act of a superintendent is only that of a fellow-servant.—*Finnigan v. New York Contracting Co.*, 122 App. Div. 712.

16. A letter written by an employee to his master, stating that on a certain date, while working in the master's factory at a mixing machine, he was injured through the fault of the foreman, and asking a life position as compensation, is wholly insufficient as a notice to enable him to maintain an action under the Employers' Liability Act. Plaintiff was engaged in cleaning a mixing machine in defendant's confectionery factory on September 20, 1903, at the time the accident occurred. At the Trial Court a verdict of \$5,000 was granted plaintiff, but the First Appellate Department in January, 1908, unanimously reversed this judgment on the ground that the notice was defective and therefore the case must be tried under common law rules, and the foreman whose alleged negligence was the cause of the accident was not a superintendent within the meaning of the Employers' Liability Act.—*Bovi v. Hess*, 123 App. Div. 389.

17. Under the rule laid down in *Citrone v. O'Rourke Engineering Construction Co.*, 188 N. Y. 339 [BULLETIN, 1907, p. 188], the duty of the employer to furnish his employee a safe place in which to work has no application where the prosecution of the work itself makes the place and creates its danger.

Under this rule the Fourth Appellate Department set aside a verdict of \$1,000 granted a laborer who fell from a tower which was being demolished and injured one of his fingers, the action being brought under the Liability Act of 1902. It was held that the dangers in tearing down a building vary with the progress of the work and the master need not attempt to make it secure. Hence there can be no recovery on the ground of failure to furnish a safe place to work. The only ground on which recovery could be had in such case is that of negligence in the conduct of the work, such, for instance, as failure to hire competent or enough servants to safely prosecute the work or failure to furnish safe tools or materials.—*Kelly v. Battle Island Paper Co.*, 122 App. Div. 185.

18. A laborer was employed to excavate a cellar by first digging at the base of a perpendicular bank of earth so as to undermine it and then prying off the overhanging bank above. In the course of the work the overhanging bank fell on him, inflicting a severe injury. On trial plaintiff was granted \$10,000 damages, but the Second Appellate Department by a vote of three to one reversed the judgment, holding that the rule of safe place to work has no application where the danger was created by the plaintiff and his fellow-servants during the progress of the work which they engaged to do and that in prosecuting work of a simple nature the master is not required to promulgate rules, nor to inspect, that being but an incident to the duty of furnishing a safe place to work.—*Logerto v. Central Building Co.*, 123 App. Div. 840.

19. A collapse of a shed is *prima facie* proof of negligence under the doctrine of *res ipsa loquitur*. An employee was directed to demolish a shed which had been erected to protect dynamos and also to support laborers engaged in constructing a building. The structure consisted of two sections, separately supported. Having removed one section, the plaintiff went upon the other, which, before he commenced to demolish it, collapsed to his injury. In an action under the Employers' Liability Act the case was dismissed, but the Second Appellate Department by a vote of 3 to 1 set aside the non-suit and granted a new trial on the ground that the fall of the shed was in itself proof of negligence. *Ferrick v. Eidlitz*, 123 App. Div. 587.

20. An employee injured through disobedience of instructions is guilty of contributory negligence, which bars a recovery. A laborer was engaged in removing wheelbarrow loads of brick from a freight elevator on the sixth floor of a building. On the day of the accident he jumped on the elevator while it was ascending, which was contrary to rules, and failed to give the signal to stop. The cable parted and the elevator dropped to the basement, injuring him so that he died. A recovery of \$5,000 was had by plaintiff, but the Third Appellate Department set this award aside on the ground that the act of plaintiff's intestate in jumping on the elevator while in motion was contributory negligence.— *Bowers v. Norwich Pharmacal Co.*

21. An employee does not assume the risk of his employment if employer fails to eliminate the dangers by reasonably safe appliances. A stationery engineer was directed by defendant's superintendent to oil the unguarded cog wheels of a brick machine. While so employed a stone was thrown from the machine and in an attempt to avoid this stone plaintiff's arm was caught in the cogs and seriously injured. A recovery of \$10,000 damages was had by plaintiff and the Second Appellate Department unanimously affirmed the award.— *Perrotta v. Richmond Brick Co.*, 123 App. Div. 626.

22. It has been held in this state that a master need not furnish his servant with the best and most improved appliances, but only such as are reasonably good. Under this rule the First Department set aside a verdict of \$1,500 granted a longshoreman who was injured by a railroad tie slipping or being thrown from a bundle of ties which was held about the center by a chain formed into a loop by a hook on the end through which it ran. A recovery under the Employers' Liability Act, based on the theory that the sling was an unsafe appliance because the hook was too small and not properly bent, should be reversed when there is nothing to sustain the claim beyond testimony that another chain, which was sometimes used, worked better, of which the foreman was notified, and it is not shown that there was any fault in the hook or chain used, and it appears that the tie was loosened by the sling bumping against the rigging of the ship which was being unloaded, and that ties sometimes slipped

out of the bundle no matter what chain was used.— *Wack v. Tobin*, 122 App. Div. 704.

23. In directing an experienced lineman to remove wires from a telephone pole a foreman is not negligent in omitting to instruct him that he must make the customary tests to ascertain if the pole is sound where it enters the ground before he removes the wires which apparently sustain it. Plaintiff was engaged with defendant's foreman in removing certain poles which were out of use. The pole in question leaned toward the north about twenty degrees but was supported by a guy wire and by numerous telephone wires. Plaintiff knew that it was customary to inspect a pole just below the surface of the ground before climbing it, but failed to do so. Subsequent examination disclosed that the pole was rotten. In accordance with foreman's orders plaintiff climbed the pole and it fell, seriously injuring him. Although plaintiff had previously seen foreman climb the same pole, he had no reason to suppose it had been tested and was negligent in not making the test himself.— *LaDuke v. Hudson River Telephone Co.*, 124 App. Div. 106.

NEGLIGENCE THROUGH ILLEGAL EMPLOYMENT OF CHILDREN.

In the last BULLETIN a case was reported (*Kenyon v. Sanford Mfg. Co.*, 119 App. Div. 570) in which it was held by the Fourth Appellate Department that the employment of a child between fourteen and sixteen years of age who had not obtained the employment certificate required by law, in and of itself raised a question for the jury as to the employer's negligence. Two cases bearing on the same point have since been reported. In one (*Fortune v. Hall*, 122 App. Div. 250) the point is brought out that in order to prove negligence by the employer in such cases it must be shown not only that the law has not been complied with, but that there is a causal connection between such non-compliance with the law and the accident. In the case at bar no such connection having been shown, while it was clear that the injured boy had been careless, it was held that he could not recover. An interesting feature of this case appears in the fact that the boy was only eleven days over fourteen years of age. But the court holds that, being over fourteen, the legal

presumption is that he was *sui juris*, and could be charged with contributory negligence and was beyond any application of the decision in *Marino v. Lehmaier* (173 N. Y. 530) which in effect declares that a child under fourteen "does not possess the judgment, discretion, care and caution" necessary to make him chargeable as a matter of law with contributory negligence or with assumption of the risks of the employment.

In the second case (*Schmidt v. Bruen*, 56 Misc. 130) the Supreme Court in Kings county held that where a boy between fourteen and sixteen years old had a certificate but it had not been filed with the employer, the mere failure to file the certificate constitute no presumption of negligence, because the filing could have had nothing to do with the accident. "As the filing would and could not have prevented the employment, the failure to file cannot be connected with the accident so as to be evidence of negligence." In this case it was also found that the injured boy was employed on a dangerous machine within the meaning of section 81 of the Labor Law, which fact of itself raised a question of negligence by the employer. But the court holds that in such a case "there is no absolute presumption that the master knew the child's age" and "statements of parents, affidavits, advertisements and careful and painstaking investigations showing the child to be over sixteen may be given in evidence to meet and rebut the presumption of negligence arising from the mere employment."

NEGLIGENCE THROUGH UNGUARDED MACHINERY.

Section 81 of the Labor Law requires that machinery shall be "properly guarded," but by this, masters "are required only to guard against such dangers as would occur to a reasonably prudent man as liable to happen" (see *Glens Falls P. C. Co. v. Traveler's Ins. Co.*, 162 N. Y. 399).

1. A press feeder fell from the platform of the press on which he worked and in his fall his leg struck the fly-wheel of a press next to his, injuring his foot. He had called another workman to take his place and in squeezing by the latter on the platform, which was 14 by 21 inches in size, slipped. The fly-wheel of the neighboring press was about 28½ inches from the platform and

the rim of said wheel being 11 or 12 inches from the floor. This wheel was not guarded and negligence was claimed on the ground that this was in violation of section 81 of the Labor Law. On this point the Appellate Division, First Department, by five to four, holds that the case offers no evidence of negligence because the accident was one that a reasonably prudent person could not have anticipated, in confirmation of which was the fact that the state factory inspectors, whose duty it is to enforce section 81 and who had inspected the factory for years, had evidently not regarded the wheel as dangerous, having never ordered guards for it. Judgment for the plaintiff on a verdict for \$1,750 was therefore reversed and new trial granted.—*King v. Reid*, 124 App. Div. 121.

2. The same court similarly holds, by vote of three to two, that there was no evidence of negligence in the case of an unguarded shaft located under a stitching table in a printing establishment so that the shaft hung about 4 inches below the under side of the table, and 10 or 12 inches back from its outside edge, with a 4-inch board along the upper edge of the table which came down to a point level with the top or the middle of the shaft, and with another board at the bottom of the table, coming up from the floor a sufficient distance to leave the opening between the bottom and top boards between 10½ and 16 inches, as variously described by the witnesses.

While the plaintiff was at work some of the pamphlets which she was counting and piling fell to the floor and under the table. Plaintiff got down, as she describes it, upon her hands and knees and crawled through this opening between the boards to pick up the pamphlets. In some way her hair came in contact with the revolving shaft above, and before the machinery could be stopped a large portion of her scalp was torn off. She was between fourteen and fifteen years of age, and as conceded upon the trial was rightfully employed by the defendant.

The court finds that there was no possibility of danger to a person working at the table, and holds that it could not reasonably be anticipated that an employee would crawl under the table as was done. Hence there could be no charge of negligence

either in not guarding the shaft under the table or in not warning the plaintiff not to crawl under the table. Judgment on a verdict for \$5,000 was accordingly reversed and new trial granted. — *Kirwan v. American Lithographic Co.*, 124 App. Div. 180.

NEGLIGENCE THROUGH DEFECTIVE SCAFFOLD.

A master cannot delegate his duty to adopt a safe, suitable and proper method of placing and securing the planks forming a scaffold.

Plaintiff's intestate was employed in constructing steel grain bins, square in shape, over 100 feet in height, and built by superimposing successive sections which were braced by fastening diagonal braces on the inside. Defendant's foreman had ordered the decedent and his fellow-servants to place planks across the braces already in position and to stand on them while fastening other braces, but he had given no directions as to how to place the planks nor had he furnished ropes to fasten them so as to keep them from slipping. While decedent was standing on the planks, engaged in a necessary part of his work, a plank slipped and he fell.

An award of \$5,000 damages in plaintiff's favor was unanimously affirmed by the Second Appellate Department on the ground that "the statute [section 18 of the Labor Law] placed the duty upon the defendant of adopting a safe, suitable and proper method or system of placing and securing the planks forming the scaffold upon which its employees were to work, and that duty could not be delegated nor liability evaded by attempted delegation." — *Anderson v. Milliken Brothers, Incorporated*, 123 App. Div. 614.

CASES UNDER THE COMMON LAW.

1. A locomotive engineer was injured September 12, 1901, by the derailing of a train. On the ground that defendant had failed to adopt and enforce suitable rules for the safety of its employees plaintiff recovered damages and Fourth Appellate Department affirmed the award. The Court of Appeals, however, in November, 1907, set the judgments aside, holding that "negligence cannot be imputed to the defendant upon the sole

ground that it failed to adopt the same methods for operating its road at the point in question that some other roads had in use. Before it can be said that the plan of the other roads was the safest, we would have to know that the conditions were the same, and, moreover, that the result of experience was in favor of that method. So long as the defendant maintained a safe road-bed, rails and switches, employed competent co-servants, and had enacted reasonable rules for guarding and protecting the cross-over and main tracks by the use of semaphores and signals, indicating plainly whether there was danger or safety, it discharged its whole duty to its employees. Even if it could be seen or found as a fact that the method in use by the other railroads mentioned in the record was better or safer, the master is not guilty of negligence for not discarding a plan which was reasonably safe, and had proved to be so as the result of long experience."—*Pearsall v. N. Y. C. & H. R. R. R. Co.*, 189 *N. Y. Rep.* 474.

2. The plaintiff was engaged in painting the iron girders and columns of an elevated railroad structure and had been provided with a metal swab with which he could reach parts of the structure not otherwise accessible. While manipulating the swab through a narrow opening in order to reach a place below and near the third rail, one end of the swab came in contact with an iron girder while simultaneously the other end came in contact with the third rail causing a short circuit and consequent injury. On trial plaintiff was awarded \$5,000 damages, but the Second Appellate Department by a vote of three to one set aside this judgment on the ground that under the circumstances the place itself is a risk assumed by the servant and the assumption of risk is not lessened because the servant may be ignorant of the exact result of bringing his tool in contact with the rail or that the result is technically known as a short circuit, if in fact he knew that to make the contact was "very dangerous."—*James v. Crawford*, 123 *App. Div.* 558.

3. An employee engaged in shoveling grain into an elevator shaft containing rapidly revolving buckets was drawn by the sliding of the grain into the elevator shaft and his legs were mangled.

After six years in the courts and on a third trial of the case he recovered \$20,000 damages. The Second Appellate Department unanimously affirmed the award, holding that

"The fact that an employee engaged in shoveling grain into an elevator shaft containing rapidly revolving buckets may appreciate the danger of being carried toward the buckets by the shifting grain, does not absolve his master from exercising every reasonable care and precaution to guard against every probable danger to the servant.

"The master necessarily assumes the duty of furnishing a safe place to work, and the assumption of the risks of his work by the employee presupposes adequate protection by the master from all avoidable danger.

"In an action to recover for injuries so received, testimony by the defendants that they never knew of a similar accident disproves their contention that the danger was so obvious as to place the risk upon the plaintiff.

"When in such action it is shown that additional bars across the opening to the revolving buckets would have been a protection and that such bars were used in other elevators and that the defendants failed to provide a method for stopping the machinery quickly in case of accident and failed to warn the plaintiff, a new employee, of the danger, it is for the jury to say whether the defendants were negligent.

"The fact that others used an elevator of the same construction as that of the defendants does not relieve them from responsibility if the defect was obvious and discoverable by ordinary inspection.

"When an employee so injured had only been employed for a few hours and, when descending into a grain barge to shovel grain, followed the method of other workmen, and did all that he could to save himself from being drawn toward the revolving buckets by the sliding grain, he is not chargeable with contributory negligence.

"When the injuries to the plaintiff's legs caused prolonged suffering and were of such a nature that after six years he is unable to earn his living, a verdict of \$20,000 is not excessive."—*Lynch v. American Linseed Co.*, 122 App. Div. 428.

4. A building laborer was killed by a fall from a scaffold and suit being brought the Supreme Court at the Kings County Trial Term in May, 1906, awarded \$3,500 damages. This verdict was unanimously affirmed by the Second Appellate Department in July, 1907, it being held that

"A master engaged in the erection of a building who maintains a runway consisting of two planks eighteen inches wide over all, leading from a platform to an elevator on the third story and used for the passage of workmen with wheelbarrows, is liable for injuries received by reason of an obstruction on the runway, which made it impossible to wheel the barrow thereon without turning it sideways, so that it caught on a derrick and knocked the employee from the runway.

"An employee only assumes the risk of running a barrow along such narrow elevated runway after it is in a condition reasonably safe for the purposes intended.

"An employee urged to make haste is not guilty of contributory negligence in using the runway instead of taking another used for moving the barrows in the other direction, which was crowded at the time.

"An employee under the necessity of making haste to clear the way is not guilty of contributory negligence as a matter of law in trying to extricate his wheelbarrow, which became caught in an obstructing derrick."—*Morrissey v. Dwyer*, 121 App. Div. 247.

5. A workman while operating a circular rip saw was directed by defendant's superintendent to saw three boards at the same time by placing them one on top of the other. While carrying out these instructions the saw twisted or bent, throwing the boards and forcing plaintiff's hand against the saw. On the ground that the employer had failed in his duty to warn the employee of the dangers attending the work a verdict of \$4,000 damages was awarded plaintiff at the trial court, but on appeal the Third Department unanimously reversed the judgment, holding that

"The rule that a master must instruct his servant concerning the dangers of his work has no application where the servant is familiar with the details of the work, the operation of the machine and the dangers connected therewith.

"Hence, when it is shown that an adult employee, who was injured by a circular saw while sawing three boards superimposed, had been engaged in the same work for two years and was familiar with the operation of the saw and was accustomed to saw three boards at once, it is error to charge in substance that it was the duty of the defendant to instruct the employee of the dangers of sawing three boards at once and that two years' experience was not equivalent to instruction."—*Carron v. Standard Refrigerator Co.*, 122 App. Div. 296.

6. A machinist was operating a lathe when it broke and a splinter of steel pierced his eye. A part of the lathe had been too highly tempered by a blacksmith, also an employee of the defendant. The First Appellate Department in unanimously affirming a judgment of the trial court in favor of defendant holds that there is no evidence that the fellow-servant was not competent or was negligent in tempering the piece or that the piece itself or the appliances for tempering it were not of proper quality.—*Hohl v. Hewitt Motor Co.*, 121 App. Div. 866.

7. A locomotive fireman was killed April 29, 1905, in a collision. It appeared that an order had been issued to the engineer

and conductor of train on which plaintiff worked to take a siding at a certain point. They failed to obey the order and the collision resulted. The trial judge directed a verdict for defendant on the ground that the proximate cause of the accident was the negligence of plaintiff's fellow-servants. On appeal the Second Department in July, 1907, unanimously affirmed the decision of the lower court.—*Hayes v. New York, New Haven & Hartford R. R. Co.*, 121 App. Div. 198.

8. An electrician employed in repairing the motor of an elevator in a livery stable adjusted the wires so as to reverse the machinery. It was the electrician's duty to test the machinery after repairing it, but instead of doing so himself he called to plaintiff's intestate, who was an employee of the owner of the livery stable, and who occasionally operated the elevator, to try the car. The car moved upward instead of downward and crashed into the beams at the top of the shaft, falling thence to the bottom, killing plaintiff's intestate.

It was contended that for the time being plaintiff's intestate had become a fellow-servant of defendant's workman and therefore defendant was not liable. The Second Appellate Department, however, in unanimously affirming an award to plaintiff of \$5,000 damages, held that

An emergency employee, called on by another employee to assist him, for however short a time, becomes a fellow servant, and subject to the rules of law applicable to the injury of a servant by his fellow. But he must be so called on as of necessity in order to make him an employee, for a servant has no authority to call on another to help him in his master's business as of necessity unless the necessity exists. If he can do the work himself, there is no occasion of necessity to imply power in him to employ assistance.—*Fiesel v. New York Edison Co.*, 123 App. Div. 676.

9. Plaintiff, an architectural draftsman, employed by defendant in Grand Central Station in New York City, was injured through the alleged negligence of elevatorman, also employed by defendant, while plaintiff was on the elevator. On trial the Supreme Court dismissed the complaint and the Appellate Division unanimously affirmed this judgment on the ground that plaintiff and elevatorman were fellow-servants.—*Fouquet v. New York Central R. R.*, 123 App. Div. 804.

RECENT LABOR REPORTS

UNITED STATES.

CONNECTICUT.

Labor bulletin issued by the bureau of labor statistics, under the direction of Wm. H. Scoville, commissioner, Hartford, March, 1908, 192 pages.

Contents: New factory construction, pages 5-55; tenement houses, pages 55-61; free public employment bureaus, pages 62-73; strikes and lockouts, pages 74-110; directory of labor organizations, pages 110-141; labor legislation in 1907, pages 142-171.

ILLINOIS.

Labor laws of the state of Illinois, including all mining laws, as amended and in force on and after July 1, 1907. The state bureau of labor statistics, David Ross, secretary. Springfield, 1907, 126 pages.

INDIANA.

Eleventh annual report of the department of inspection of manufacturing and mercantile establishments, laundries, bakeries, quarries, printing offices, hotels and public buildings, 1907. W. E. Blakely, chief. Indianapolis, 1908. 204 pages.

MAINE.

Labor laws of Maine issued by the bureau of industrial and labor statistics. Augusta, 1908, 32 pages.

Twenty-first annual report of the bureau of industrial and labor statistics for the State of Maine, 1907. Thos. J. Lyons, labor commissioner. Augusta, 1907, 520 pages.

Contents: Factories, mills and shops built during 1907, pages 22-25; labor unions, pages 26-120; women and children in sardine factories, pages 121-137; women wage workers, Portland, pages 138-167; school teachers, pages 174-289; opportunities for new industries, pages 290-461; labor laws of Maine, pages 462-487; report of the inspector of factories, workshops, mines and quarries, pages 495-503.

MARYLAND.

Sixteenth annual report of the bureau of statistics and information of Maryland, 1907. Charles J. Fox, chief. Baltimore, 1908, 204 pages.

Contents: Enforcement of child labor law, pages 13-70; sweat shop inspection, pages 71-85; free employment agency, pages 87-98; census of buildings, pages 99-119; cost of production in agriculture, pages 121-134; cost of living, pages 135-145; labor organizations, pages 145-153; strikes and lockouts, pages 155-169; new incorporations, pages 171-192; immigration, pages 193-195; financial statement, page 199.

MASSACHUSETTS.

Labor bulletin issued by the bureau of statistics of labor, edited by Charles F. Gettemy, chief of bureau. Nos. 55, 56, 57, 58, 59 (September, 1907, to May, 1908).

Contents of No. 55: Massachusetts retail prices in October, 1907; the need of industrial education in the textile industry; the oilcloth and linoleum industry in Massachusetts; recent foreign labor legislation, etc.

No. 56: The immigrant population of Massachusetts; employers' associations, etc.

No. 57: Unemployment in Massachusetts, etc.

No. 58: Labor legislation in the United States in 1907; Massachusetts labor legislation, 1907; legal hours of labor in the United States; comparative surveys of labor legislation.

No. 59: The state of employment in the organized industries; recent court decisions affecting labor, etc.

Report of the chief of the Massachusetts district police for the year ending Dec. 31, 1907, including the inspection and detective departments. J. H. Whitney, chief. Boston, 1908, 129 pages.

Contents: Chief's report; acts and amendments passed in 1907; reports of inspectors of public buildings, factories and boilers; reports of accidents.

First annual report on the state free employment offices for the fiscal year ending Nov. 30, 1907. Part V of the annual report of the bureau of statistics of labor for 1907. Charles F. Gettemy, chief of bureau. Boston, 1908, 55 pages.

MISSOURI.

Twenty-ninth annual report of the bureau of labor statistics of the state of Missouri for the year ending Nov. 5, 1907. J. C. A. Hiller, commissioner of labor. Jefferson City, 1907, 797 pages.

Contents: Surplus product of Missouri, pages 3-117; foreign immigration, 1906-1907, pages 140-142; manufactures and wages, pages 143-381; labor organizations, pages 692-757; State free employment department, pages 758-766; public utility plants, pages 768-794; prison labor, pages 795-797.

OHIO.

Thirty-first annual report of the bureau of labor statistics to the 77th General Assembly of the state of Ohio, for the year 1907. M. D. Ratchford, Commissioner. Springfield, 1908, 523 pages.

Contents: Laws governing the bureau and recent court decisions, pages 13-25; manufactures (employment, wages and yearly earnings for 1906), pages 29-472; coal mining, pages 474-493; free public employment bureaus, pages 497-517.

RHODE ISLAND.

Fourteenth annual report of inspections of factories, mercantile establishments and workshops, from Jan. 1st, 1907, to Jan. 1st, 1908. Rhode Island factory inspection department. G. Ellery Hudson, chief inspector. Providence, 1908, 132 pages.

Twentieth annual report of the commissioner of industrial statistics, made to the General Assembly, at its January session, 1907. George H. Webb, commissioner, Providence, 1907, 208 pages.

Contents: Pt. I. The ice industry of Rhode Island, pages 1-30; II. Industrial statistics, pages 1-58; labor laws of Rhode Island, pages 59-116. III. Manufacturing establishments classified by towns and abandoned farms arranged alphabetically, pages 1-187. V. Strikes among wage earners, 1906, pages 1-27; directory of trade unions; rate of wages per hour, hours of labor and Saturday half holidays in the building trades in selected cities, U. S., pages 43-51; decisions of courts affecting labor, pages 53-268.

WISCONSIN.

The law of labor in Wisconsin, being a reprint with annotations of those portions of the Wisconsin statutes of 1898 and the session laws of 1899, 1901, 1903, 1905 and 1907 which relate to labor and its allied subjects, by William J. Hagenah, compiled for the Wisconsin bureau of labor and industrial statistics. Madison, 1908, 235 pages.

FOREIGN COUNTRIES.

AUSTRALIA.

New South Wales. Statistical register for 1906 and previous years. Part XII. Industrial wages, compiled from official returns. H. C. L. Anderson, director intelligence department and bureau of statistics. Sydney, 1908, 24 pages.

Contents: Factories registered and hands employed (1901-1906); certificates of fitness and permits to work issued to children, 1902-1906; average weekly wages (1906) of apprentices and improvers, workers under 21 years of age, general unskilled labor, and workpeople according to occupation; industrial unions registered under the industrial arbitration act; trade unions registered under the trade union act.

The industrial arbitration reports and records, New South Wales, 1907. Published under the direction of the Hon. the attorney-general. Vol. VI, Part 3. Sydney, 1907, 176 + xxxviii pages.

NEW ZEALAND.

Awards, recommendations and decisions under the industrial conciliation and arbitration act. Vol. IX, Part 1, April; Part 2, May, 1908. New Zealand department of labor. Hon. J. A. Millar, minister of labor. Wellington, 1908.

AUSTRIA.

Aus den Ergebnissen der Gewerblichen Betriebszählung vom 3. Juni, 1902, im Königreiche Böhmen. Mitteilungen des Statistischen Landesamtes des Königreiches Böhmen. Prag, 1907, 321 pages.

In 1902 the Austrian government undertook an industrial census of the empire, which was never published in all its details for every part of the country. The Bohemian Bureau of Statistics publishes the present volume from data obtained through the 1902 Austrian census.

Die Arbeitseinstellungen und Aussperrungen in Oesterreich während des Jahres 1906. Arbeitstatistisches Amt im Handelsministerium. Wien, 1907; 584 pages.

Statistics of strikes and lockouts in Austria in the year 1906.

Bericht über die Thätigkeit des K. K. Arbeitstatistischen Amtes im Handelsministerium während des Jahres 1907. Dr. Victor Mataja, chief. Wien, 1908, 28 pages.

BELGIUM.

Salaires et durée du travail dans les industries des métaux, 31 octobre 1903. Exposé de quelques resultats. Office du Travail, Bruxelles; pages 54; diagrams.

Wages and hours of labor in the metal industries of Belgium on the 31st of October, 1903. This is a summary of the third volume of a series of statistical inquiries published by the Belgian Labor Bureau, undertaken as a complement to the General Census of Industries and Trades of 1896. The series includes coal mines, May, 1900; textiles, October, 1901; and metal industries, October, 1903. These three groups of industries embrace nearly half of the industrial population of Belgium, as enumerated by the census of 1896.

Rapports annuels de l'inspection du travail; 12 ème année, 1906. Office du Travail, Bruxelles, 1907; pages 447.

Twelfth annual report of the labor inspectors of Belgium. Besides the factory inspectors' reports, contains medical inspectors' reports, and numerous plates showing apparatus for the sanitation of workrooms and protection against accidents.

Industries du caoutchouc et de l'amiant. Office du Travail et Inspection de l'Industrie. Bruxelles, 1907. 232 pages, plates and map.

This is No. 6 of the industrial monographs published by the Belgian Labor Bureau in coöperation with the Industrial Inspectors, and covers the subject of rubber industries. Contains an account of rubber-producing countries, of international commerce of crude rubber, prices, a technical description of its transformation into marketable products, classification of products and history of the rubber industry in Belgium. The five preceding volumes in this series cover cotton and linen weaving, chemicals in general, paper and paste board, ceramics and glass.

CANADA.

Report of the department of labor for the nine months, July 1, 1906, to March 31, 1907, inclusive. Rodolphe Lemieux, minister of labor. Ottawa, 1907, 170 pages.

Contents: The labor gazette; conciliation and arbitration; inquiry by Royal Commission into a dispute between the Bell Telephone Company and operators at Toronto; the railway labor disputes act; the industrial disputes investigation act, 1907; fair wages on public contract work; false representations to induce emigration; mission to England of the deputy commissioner of labor; imperial legislation; the alien labor law; strikes and lockouts in Canada during 1906, with comparative statistics for the years 1901 to 1906 inclusive; industrial accidents in Canada during 1906, with comparative statistics for the years 1904 and 1905; the library of the department; the circulation of the labor gazette; the distribution of the labor gazette and other publications; inquiries, correspondence and other departmental work.

Eighth report of the bureau of labor of the province of Ontario for the year ending December 31st, 1907. John Armstrong, secretary. Toronto, 1908, 261 pages.

Contents: Municipal statistics, pages 8-66; free employment bureaus, pages 67-68; labor organizations, pages 69-134; wages and hours of labor, pages 135-145; industrial statistics, manufacturers' returns, pages 145-180; increases of wages, pages 181-185; chronology of Ontario labor law, pages 193-194; labor legislation of Ontario and Canada, pages 194-200; recent legal decisions affecting labor in Ontario, pages 211-228; trade disputes in Ontario, pages 229-244.

Annual report of the bureau of industries for the province of Ontario, 1906. Nelson Monteith, minister of agriculture. Toronto, 1907, 128 pages.

This is the 25th annual report of the bureau of industries of Ontario and contains information on crops, live stock, wages of farm laborers and domestic servants, chattel mortgages and municipal statistics.

General report of the minister of public works and labor of the province of Quebec for the year ending 30th June, 1907. A. Taschereau, minister of public works and labor. Quebec, 1907, 135 pages.

Besides reports on public buildings, etc., contains report of the registrar of councils of conciliation and arbitration on trade disputes, and reports of the inspectors of industrial establishments and public buildings.

CHILE.

La Oficina de Estadística del Trabajo. Ministerio de Industria i Obras Públicas. Santiago de Chile, 1907, 75 pages.

First publication of the Chilean Labor Bureau. After the earthquake of August 16, 1906, cost of living and wages rose enormously in Chile, and at the same time there was felt a shortage of workmen in most industries on account of the increased number required for rebuilding. The government saw the necessity of establishing a Labor Bureau that would gather definite data on the state of labor and industry, and also might help in inducing foreign immigration. This first publication of the Bureau deals mostly with its establishment, and contains also some statistics of wages, comparing wages paid in 1903 with those paid in 1906 and 1907. For skilled workmen, especially in the building trades, we notice an average rise in nominal wages of about 100 per cent. from 1903 to 1907.

FINLAND.

Statistisk Årsbok for Finland. Ny Serie, Femte Årgangen, 1907. Bureau Central de Statistique de Finlande, Helsingfors, 1907, 458 pages.

Fifth statistical yearbook of Finland. Contains statistics of population, emigration and immigration, mines and industries, insurance, savings banks, etc., Finnish and French text.

Olycksfallen i Arbetet. Åren 1901-3. Understodskassor. År 1905.

Fabriker och Handtverkerier. År 1904. Bijdrag till Finlands Officiella Statistik. Helsingfors, 1907.

Publications of the Finnish Bureau of Statistics on accidents, industrial insurance and statistics of workmen and artisans.

FRANCE.

Annuaire statistique; 26ème volume, 1906. Statistique générale de la France, Paris, 1907; pages 430 + 175.*

The French statistical yearbook for 1906, beside general statistics, continues an inquiry concerning French workingmen's wages commenced in 1853. Until 1896 the information in regard to workmen's wages was furnished by the mayors of the different cities, (capitals of departments), since then by the councils of prud'hommes. Estimated wages since the beginning of last century are given also. This is completed by indications of changes in the cost of living and workingmen's board in the different parts of the country.

Enquête sur le travail à domicile dans l'industrie de la lingerie. Volume 1. Office du travail, Paris, 1907; pages, 768.

This first volume deals with home work in the linen goods industry in Paris; two volumes to appear later will deal with the same industry in the rest of France. The volume comprises five parts:

1. Answers of 18 employers or dealers.
2. Monographs and answers of 29 contractors and middlemen.
3. Answers of 510 workingwomen.
4. Monographs and budgets of workingwomen's families.
5. Analysis.

GERMANY.

Erhebung über die Wirkungen des Handwerkergesetzes (Reichsgesetz vom 26. Juli 1897). Mit Anhang: Nachträgliche Erhebung über die Thätigkeit und die Erfolge der Handwerkskammern nach dem Stande am 31. Oktober 1907. Kaiserliches Statistisches Amt. Abteilung für Arbeiterstatistik. Berlin, 1908, 114* + 257 + 31** pp. tables and diagrams.

This volume contains the results of a statistical inquiry started by the German Labor Bureau at the beginning of the year 1905 on the effects of the laws of 1897 on artisans' guilds.

Die Fortschritte der amtlichen Arbeitsstatistik in den wichtigsten Staaten. Zweiter Teil. Beiträge zur Arbeiterstatistik N. 7. Kaiserliches Statistisches Amt. Abteilung für Arbeiterstatistik. Berlin, 1908; pages, 276.

Second volume issued by the German Bureau of Labor Statistics on the progress of official labor statistics in the most important countries. This volume treats of statistics of labor in Italy, Spain, the Netherlands, Sweden, Norway, Denmark, Switzerland, Hungary, Russia and Finland, Canada, New Zealand and Australia.

Protokolle über die Verhandlungen des Beirats für Arbeiterstatistik. Drucksachen des Beirats für Arbeiterstatistik. Verhandlungen Nr. 19. Berlin, 1907; 154 pages.

Proceedings of sessions of the German Labor Council, December 11-14, 1907.

Das Kinderschutzgesetz im Grossherzogtum Hessen. Jahresbericht für 1907. Grossherzogliche Hessische Gewerbeinspektion; Darmstadt, 1908; pages 48.

Pamphlet issued by the factory inspectors of the Grand-Duchy of Hessen, containing text of child labor laws, statistics of children employed, and plaining how laws are enforced.

GREAT BRITAIN.

Report on rules of voluntary conciliation and arbitration boards and joint committees. Board of trade (labor department. London 1907, 298 pages.

Contents: Boards in principal industries and nature of their work; summary of functions of boards; rules of trade boards; boards for coöperative societies and district boards. Appendices: Trade conciliation and arbitration boards classified according to the procedure adopted for the settlement of disputes; number of cases settled by boards of conciliation, 1897-1906; list of boards with addresses of secretaries; text of conciliation act 1896.

ITALY.

I lavoratori delle miniere. Parte prima. Ufficio del Lavoro. Serie B, N. 17. Roma, 1907; 259 pages.

The first part of an inquiry by the Italian Labor Bureau concerning mine workers in 1906, dealing with miners' age, families, death rate, branch of employment and wages.

Salario ed orari nei lavori edilizi, stradali, idraulici e di bonifica. (Anno 1906.) Ufficio del Lavoro; Serie B. N. 18. Roma, 1907, pages, 111.

This publication of the Italian Labor Bureau contains statistics of wages and hours of labor of workmen in the building trades and in road, canal and construction work, indicating changes according to seasons and provinces of the kingdom. The statistics were collected with the help of the government civil engineering department.

Atti del Consiglio Superiore del Trabajo. IX Sessione. Giugno 1907. Ufficio del Lavoro. Roma, 1907; pages, 211.

Proceedings of the ninth session of the Superior Labor Council of Italy, June, 1907.

Atti del Consiglio Superiore del Lavoro. X Sessione, Novembre 1907. Ufficio del Lavoro. Ministero di Agricoltura, Industria e Commercio. Roma, 1908, 250 pages.

Proceedings of the tenth session, November, 1907, of the Italian Superior Labor Council. Subjects under discussion were: Conciliation in the rice culture industry; organization of workhouses for the unemployed in Modena and Bologna; regulations for the enforcement of the woman and child labor laws.

NETHERLANDS.

Ongevallenstatistiek betreffende het tijdvak, 1 Januari 1904-31 December 1904, Samengesteld ted Voldoening aan de Bepaling van Artikel 17 der Ongevallenvet 1901. Amsterdam, 1907, 422 pages.

Statistics of accidents in the Netherlands, January 1, 1904-December 31, 1904.

Statistiek van de berechting der overtredingen van de Arbeids- en Veiligheidswetten in 1906. Centraal Bureau voor de Statistiek. Bijdragen tot de statistiek van Nederland. Nieuwe Volgreeks. XC. 'S-Gravenhage, 1907, 53 pages.

Court decisions in the matter of infractions of labor laws and laws for the safety of the working people in Holland.

Statistiek van het loon der vaste werklieden in dienst der Gemeente Amsterdam en van het Burgerlijk Armbestuur op 1 Mei 1907. Statistische Mededeelingen uitgegeven door het Bureau van Statistiek der Gemeente Amsterdam. No 21. Amsterdam, 1908, 39 pages.

Statistics of wages of workmen employed by the city of Amsterdam and the Bureau of Charity of the same city on the 1st of May, 1907.

Jaarcijfers, 1907. Statistische Mededeelingen uitgegeven door het Bureau van Statistiek der Gemeente Amsterdam. Amsterdam, 1908, 81 pages.

Annual statistics published by the Municipal Bureau of Statistics of the city of Amsterdam. The present volume contains statistics of population, morbidity, commerce, etc., for the year 1907.

SPAIN.

Legislación del trabajo. Apéndice segundo. Julio 1906-Junio 1907. Instituto de Reformas Sociales. Madrid, 1907; pages 364.

Second volume on labor legislation published by the Spanish Labor Bureau. The first part (pp. 1-204) contains the text of Spanish labor laws enacted

between July, 1906, and June, 1907. Part 2 (pp. 204-342) contains proposed labor legislation and laws submitted to the consideration of the Spanish parliament.

Estadística de las huelgas. (1906) Instituto de Reformas Sociales. Madrid, 1908. pages 176.

Second publication on strikes issued by The Instituto de Reformas Sociales. Exhaustive tables are given showing causes of strikes, when and where started, how long they lasted, and how settled, and diagrams showing the distribution of strikers over the country.

Proyecto de reforma de la ley de accidentes del trabajo de 30 de enero de 1900. Instituto de Reformas Sociales. Madrid, 1908; 758 pages.

Proposed legislation amending the law of January, 1900, concerning employers' liability and compensation for industrial accidents. Foreign legislation on the subject is reviewed and existing Spanish legislation analyzed and criticised. Statistics of accidents in Spain in the years 1904, 1905 and 1906 are given, and the volume ends with a bibliography of international literature on the subject of accidents and accident insurance.

APPENDIX.

STATISTICAL TABLES.

- I. Employment and earnings of trade unionists, first quarter, 1908.
- II. Causes of idleness among trade unionists, first quarter, 1908.
- III. Number and membership of labor organizations, March 31, 1908.
- IV. Building operations in principal cities, first quarter, 1908:
 - (a) New York City.
 - (b) Buffalo, Rochester, Syracuse and Troy.
- V. Immigration at the Port of New York, first quarter, 1908.
- VI. Emigration at the Port of New York:
 - (a) Month of January, 1908.
 - (b) Fourth quarter, 1907 (also totals for third quarter).
- VII. Work of deputy factory inspectors, first quarter, 1908.
- VIII. Children's employment certificates issued in first and second class cities, first quarter 1908.
- IX. Licenses for manufacturing in tenements, first quarter, 1908.
- X. Accidents in factories, quarries and tunnel construction, first quarter, 1908:
 - (a) Age and sex of persons injured.
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- XI. Prosecutions for violation of Factory Law, first quarter, 1908.

TABLE I.—EMPLOYMENT AND EARNINGS OF ORGANIZED WAGE WORKERS

INDUSTRIES OR GROUPS OF TRADES.	Num- ber of wage earners report- ing.	THEREOF IDLE.		NUMBER		
		Num- ber.	Per cent.	Aggre- gate.	1-29 days.	30-59 days.
1 Building, Stone Working, Etc.	129,060	61,029	47.3	66,188	11,372	25,705
Stone working	7,018	3,764	53.6	3,185	229	1,191
Building and paving trades	91,502	37,313	40.8	52,668	9,063	19,460
Building and street labor	30,540	19,952	65.3	10,335	2,080	5,034
2 Transportation	69,105	14,239	20.6	52,321	827	3,368
Railways	26,229	993	3.8	24,807	311	1,512
Navigation	15,090	6,618	43.9	8,175	11	12
Teaming and cab driving	16,709	3,555	21.3	13,079	91	1,225
Freight handling	7,488	3,043	40.6	4,300	414	619
Telegraphs	3,589	30	0.8	1,960		
3 Clothing and Textiles	33,036	6,766	20.5	23,179	2,837	15,356
Garments	23,153	5,220	22.5	14,999	2,282	10,072
Shirts, collars and laundry	819	338	41.3	481	310	23
Hats, caps and furs	3,826	612	16.0	3,088	152	2,698
Boots, shoes and gloves	2,922	110	3.8	2,804	54	1,919
Textiles	2,316	486	21.0	1,807	39	644
4 Metals, Machinery and Shipbuilding	32,281	6,637	20.6	25,255	1,370	7,321
Iron and steel	27,218	5,787	21.3	21,070	1,003	5,754
Other metals	3,099	441	14.2	2,632	145	898
Shipbuilding	1,964	409	20.8	1,553	222	669
5 Printing, Binding, Etc.	23,635	2,192	9.3	21,319	412	4,102
6 Wood Working and Furniture	10,240	2,216	21.6	7,867	722	3,265
7 Food and Liquors	14,560	875	6.0	13,556	248	591
Food products	7,051	581	8.2	6,463	236	298
Beverages	7,509	294	3.9	7,093	12	293
8 Theaters and Music	11,631	1,009	8.7	6,699	101	427
9 Tobacco	8,869	1,624	18.3	7,212	49	2,646
10 Restaurants, Trade, Etc.	9,897	286	2.9	9,597	172	603
Hotels and restaurants	5,556	229	4.1	5,321	139	499
Barbering	2,833	37	1.3	2,788	33	92
Retail trade	1,508	20	1.3	1,488		12
11 Public Employment	10,114	291	2.9	9,822	350	635
12 Stationary Engine Men	12,713	479	3.8	12,011	167	535
13 Miscellaneous	8,497	1,535	18.1	6,439	339	2,091
Paper and paper goods	3,168	221	7.0	2,835	111	830
Leather and leather goods	1,129	205	18.2	903	115	503
Glass and glassware	1,169	164	14.0	804	20	278
Cement and clay products	331	57	17.2	270	76	161
Other distinct trades	2,197	667	30.4	1,360	11	215
Mixed employment	503	221	43.9	267	26	104
Grand Total	373,638	99,178	26.5	261,465	18,986	66,645

IN FIRST QUARTER (JANUARY, FEBRUARY, MARCH) OF 1908: (a) Males.

EMPLOYED.		DAYS EMPLOYED.		Aggregate earnings.	AVERAGE EARNINGS.		NUMBER WHO EARNED—			
60-79 days.	80 days or more.	Aggregate.	Per capita.		Per day.	For three months.	Less than \$75.	\$75 to \$149.	\$150 to \$224.	\$225 or more.
28,905	206	3,396,621	51.3	\$12,526,564.55	\$3.69	\$189.26	5,965	16,264	21,656	22,303
1,765	.....	182,626	57.3	759,068.20	4.16	238.33	63	462	598	2,062
23,939	206	2,694,875	51.2	10,334,001.05	3.83	196.21	4,085	13,371	16,343	18,869
3,201	.....	519,120	50.2	1,433,495.30	2.76	138.70	1,817	2,431	4,715	1,372
19,593	28,533	4,157,067	79.5	11,208,499.97	2.70	214.23	646	7,448	26,848	17,379
9,168	13,816	1,985,302	80.0	5,844,070.63	2.94	235.58	304	1,922	10,764	11,817
14	8,138	741,867	90.7	2,134,741.94	2.88	261.13	11	813	2,894	4,457
7,097	4,666	998,314	76.3	2,244,215.67	2.25	171.59	141	2,852	9,155	931
3,240	27	254,198	59.1	645,380.99	2.54	150.09	100	1,807	2,253	50
74	1,886	177,386	90.5	340,090.74	1.92	173.52	.....	54	1,782	124
4,912	74	1,115,147	48.1	2,787,263.68	2.50	120.25	4,047	13,784	3,542	1,806
2,571	74	678,350	45.2	1,696,679.91	2.50	113.12	3,488	8,791	1,004	1,116
148	.....	19,382	40.3	43,108.14	2.22	89.62	310	42	86	43
238	.....	147,303	47.7	373,722.79	2.54	121.02	12	2,311	634	131
831	.....	163,749	58.4	397,577.66	2.43	141.79	130	1,963	433	278
1,124	.....	108,363	58.9	276,175.18	2.60	152.84	107	677	785	238
16,342	222	1,553,709	61.5	4,796,130.05	3.09	189.91	1,379	5,929	9,315	8,632
14,101	212	1,310,744	62.2	3,997,335.22	3.05	189.72	1,105	5,028	7,784	7,153
1,579	10	158,358	60.2	497,777.13	3.14	189.13	91	715	973	853
662	.....	84,577	54.5	301,017.70	3.56	193.83	183	186	558	626
15,670	1,135	1,415,798	66.4	4,774,490.58	3.37	223.95	272	3,671	4,570	12,806
3,871	9	437,252	55.6	1,286,646.43	2.94	163.55	248	3,402	2,685	1,532
12,187	530	973,809	71.8	2,539,365.34	2.61	187.32	305	1,682	8,976	2,593
5,903	26	472,969	73.2	1,198,909.06	2.53	185.50	264	813	3,978	1,408
6,284	504	500,840	70.6	1,340,456.28	2.68	188.98	41	869	4,998	1,185
5,953	218	480,676	71.8	3,710,302.26	7.72	553.86	101	291	662	5,645
4,517	.....	433,505	60.1	852,889.23	1.97	118.26	1,453	3,746	1,832	181
7,124	1,698	727,484	75.8	1,719,796.81	2.36	179.20	364	1,555	5,611	2,067
3,629	1,054	301,079	73.5	958,684.47	2.45	180.17	306	626	3,018	1,371
2,019	644	221,030	79.3	431,745.17	1.95	154.86	58	768	1,961	1
1,476	.....	115,375	77.5	320,367.17	2.85	221.35	.....	161	632	695
577	8,260	816,619	83.1	2,129,708.97	2.61	216.83	129	638	4,071	4,984
4,097	7,212	989,387	82.4	3,084,246.48	3.12	256.79	182	690	1,874	9,265
3,051	938	417,159	64.8	1,004,954.62	2.41	156.07	604	3,757	1,232	846
1,585	309	183,980	64.9	363,956.83	1.98	128.38	364	1,816	476	179
285	.....	51,800	57.4	134,692.22	2.60	149.16	115	556	153	79
506	.....	49,718	61.8	256,350.37	5.16	318.84	17	88	169	530
33	.....	10,992	40.7	39,253.65	3.57	145.38	64	154	5	47
519	615	104,401	76.8	183,711.95	1.76	135.08	11	936	403	10
123	14	16,288	61.0	26,989.60	1.66	101.08	33	207	26	1
126,799	49,035	16,914,233	64.7	\$52,420,858.97	\$3.10	\$200.49	15,695	62,857	92,874	90,039

TABLE I.—EMPLOYMENT AND EARNINGS OF ORGANIZED WAGE WORKERS

INDUSTRIES OR GROUPS OF TRADES.	Num- ber of wage earners report- ing.	THEREOF IDLE.		NUMBER		
		Num- ber.	Per cent.	Aggre- gate.	1-29 days.	30-59 days.
2 Transportation:						
Telegraphs.....	82	9	11.0	36	.....	.....
3 Clothing and Textiles.....	6,910	1,444	20.9	5,140	536	3,416
Garments.....	4,870	1,082	22.2	3,627	290	2,457
Shirts, collars and laundry.....	781	215	27.5	416	235	80
Hats, caps and furs.....	676	130	19.2	531	.....	490
Boots, shoes and gloves.....	532	11	2.1	521	11	344
Textiles.....	51	6	11.8	45	.....	45
4 Metals, Machinery and Shipbuilding:						
Iron and steel.....	72	.....	0.0	72	.....	62
5 Printing, Binding, Etc.....	1,354	108	8.0	1,246	270	287
6 Wood Working and Furniture.....	40	25	62.5	15	.....	5
8 Theaters and Music.....	1,174	.....	0.0	1,134	.....	13
9 Tobacco.....	2,503	700	28.0	1,793	1	447
10 Restaurants, Trade, Etc.:						
Retail trade.....	146	.....	0.0	146	.....	.....
11 Public Employment.....	64	.....	0.0	64	.....	.....
13 Miscellaneous.....	132	2	1.5	27	6	3
Paper and paper goods.....	32	2	6.3	27	6	3
Other distinct trades (hair workers).....	100	.....	0.0	.....	.....	.....
Grand Total.....	12,477	2,288	18.3	9,673	813	4,233

IN FIRST QUARTER (JANUARY, FEBRUARY, MARCH) OF 1908: (b) Females.

EMPLOYED.		DAYS EMPLOYED.		Aggregate earnings.	AVERAGE EARNINGS.		NUMBER WHO EARNED—			
60-79 days.	80 days or more.	Aggregate.	Per capita.		Per day.	For three months.	Less than \$75.	\$75 to \$149.	\$150 to \$224.	\$225 or more.
21	15	3,003	83.4	\$4,705.20	\$1.57	\$130.70	.....	22	13	1
1,174	14	250,798	48.8	359,951.42	1.44	70.03	2,992	2,085	63	.....
886	14	174,999	48.2	234,135.43	1.34	64.55	2,409	1,215	3	.....
101	.....	16,455	39.6	23,891.00	1.45	57.43	321	35	60	.....
41	.....	26,207	49.4	52,830.83	2.02	99.49	140	391	.....	.....
168	.....	30,779	59.1	46,398.90	1.51	89.06	88	433	.....	.....
.....	.....	2,358	52.4	2,695.26	1.14	59.89	34	11	.....	.....
10	.....	3,708	51.5	5,014.89	1.35	69.65	27	45	.....	.....
689	.....	69,892	56.1	115,609.06	1.65	92.78	517	645	30	54
10	.....	910	60.7	1,155.00	1.27	77.00	5	10	.....	.....
1,044	77	83,099	73.3	821,690.00	9.89	724.59	.....	3	17	1,114
1,345	.....	113,281	63.2	202,880.07	1.79	113.15	492	956	345	.....
146	.....	11,388	78.0	13,885.00	1.22	95.10	35	107	4	.....
.....	64	5,824	91.0	10,288.00	1.77	160.75	.....	31	26	7
18	.....	1,623	60.1	1,784.78	1.10	66.10	17	10	.....	.....
18	.....	1,623	60.1	1,784.78	1.10	66.10	17	10	.....	.....
4,457	170	543,526	56.2	\$1,536,963.42	\$2.83	\$158.89	4,085	3,914	498	1,176

TABLE II.—CAUSES OF IDLENESS AMONG ORGANIZED

INDUSTRIES OR GROUPS OF TRADES.	Number not reporting.	Number reporting.	Total number idle.	Per cent. idle.
1. Building, Stone Working, Etc.	1,757	129,313	72,422	56.0
Stone working.	123	7,018	3,873	55.2
Building and paving trades.	1,619	91,755	47,913	52.2
Building and street labor.	15	30,540	20,636	67.6
2. Transportation.	2,729	69,812	17,854	25.6
Railways.	1,593	26,304	2,136	8.1
Navigation.	415	15,090	6,618	43.9
Teaming and cab driving.	616	16,734	4,975	29.7
Freight handling.	11	7,488	3,970	53.0
Telegraphs.	94	4,196	155	3.7
3. Clothing and Textiles.	612	39,750	18,559	46.7
Garments.	262	28,037	15,020	53.6
Shirts, collars and laundry.	12	1,600	728	45.5
Hats, caps and furs.	20	4,502	1,625	36.1
Boots, shoes and gloves.	273	3,262	393	12.0
Textiles.	45	2,349	793	33.8
4. Metals, Machinery and Shipbuilding.	502	32,353	10,286	31.8
Iron and steel.	414	27,290	8,746	32.0
Other metals.	24	3,099	848	27.4
Shipbuilding.	64	1,964	692	35.2
5. Printing, Binding, Etc.	566	24,990	4,471	17.9
6. Wood Working and Furniture.	66	10,932	3,404	31.1
7. Food and Liquors.	56	14,560	1,480	10.2
Food products.	46	7,051	995	14.1
Beverages.	10	7,509	485	6.5
8. Theaters and Music.	3,447	12,805	1,130	8.8
9. Tobacco.	299	11,372	2,930	25.8
10. Restaurants, Trade, Etc.	283	10,043	1,144	11.4
Hotels and restaurants.	46	5,556	1,016	18.3
Barbering.	187	2,833	86	3.0
Retail trade.	50	1,654	42	2.5
11. Public Employment.	565	10,178	892	8.8
12. Stationary Engine Men.	77	12,713	983	7.7
13. Miscellaneous.	173	8,629	2,576	29.9
Paper and paper goods.	35	3,200	859	26.8
Leather and leather goods.	23	1,129	312	27.6
Glass and glassware.	7	1,169	196	16.8
Cement and clay products.	94	331	166	50.2
Other distinct trades.	6	2,297	799	34.8
Mixed employment.	8	503	244	48.5
Grand Total.	11,132	387,450	138,131	35.7

WAGE WORKERS AT THE END OF MARCH, 1908.

NUMBER IDLE ON ACCOUNT OF—

Lack of work.	Lack of stock.	The weather.	Labor disputes.	Disability.	Other reasons.	Reason not stated.
69,703	335	790	334	1,159	61	40
3,492	15	198	.....	108	60	.....
45,666	303	546	334	1,023	1	40
20,545	17	46	.....	28	.....	.....
9,844	.....	7,112	89	694	106	9
1,601	.....	.....	.....	452	74	9
290	.....	6,206	88	36	.....	.....
4,841	.....	.....	3	99	32	.....
2,970	.....	906	.....	94	.....	.....
142	.....	.....	.....	13	.....	.....
17,967	20	.....	299	232	28	13
14,745	15	.....	83	172	3	2
558	.....	.....	170	.....	.....	.....
1,568	.....	.....	12	45	.....	.....
382	.....	.....	11	11	.....	.....
714	5	.....	34	4	25	11
9,484	17	4	260	474	13	34
8,057	13	4	256	392	.....	24
830	.....	.....	4	6	8	.....
597	4	.....	.....	76	5	10
3,579	.....	.....	491	366	34	1
3,200	.....	.....	31	171	.....	2
1,374	.....	.....	.....	97	.....	9
942	.....	.....	.....	44	.....	9
432	.....	.....	.....	53	.....	.....
1,077	.....	.....	24	29	.....	.....
2,629	51	.....	.....	250	.....	.....
991	.....	.....	.....	153	.....	.....
905	.....	.....	.....	111	.....	.....
67	.....	.....	.....	19	.....	.....
19	.....	.....	.....	23	.....	.....
600	150	31	.....	89	17	5
885	3	2	44	49	.....	.....
2,373	.....	125	1	48	15	14
801	.....	32	.....	15	10	1
312	.....	.....	.....	15	.....	.....
168	.....	.....	.....	2	.....	13
158	.....	.....	1	2	5	.....
694	.....	91	.....	14	.....	.....
240	.....	2	.....	2	.....	.....
123,706	576	8,064	1,573	3,811	274	127

TABLE III.—NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS

INDUSTRIES OR GROUPS OF TRADES.	NEW YORK STATE.				NEW YORK	
	Org.	Men.	Women.	Total number of members.	Org.	Members.
1. Building, Stone Working, Etc.	743	131,070		131,070	218	92,911
Stone working	45	7,141		7,141	14	5,804
Building and paving trades	635	93,374		93,374	170	59,840
Building and street labor	63	30,555		30,555	34	27,267
2. Transportation	378	72,380	161	72,541	74	32,808
Railways	232	27,897		27,897	25	4,805
Navigation	27	15,505		15,505	5	8,914
Teaming and cab driving	64	17,350		17,350	28	14,218
Freight handling	39	7,499		7,499	13	4,070
Telegraphs	16	4,129	161	4,290	3	801
3. Clothing and Textiles	174	33,437	6,925	40,362	83	31,632
Garments	92	23,424	4,875	28,299	49	23,922
Shirts, collars and laundry	12	831	781	1,612	4	1,210
Hats, caps and furs	23	3,836	686	4,522	18	4,073
Boots, shoes and gloves	16	3,003	532	3,535	7	1,534
Textiles	31	2,343	51	2,394	5	893
4. Metals, Machinery and Shipbuilding	288	32,783	72	32,855	77	15,590
Iron and steel	242	27,632	72	27,704	50	11,271
Other metals	36	3,125		3,125	19	2,367
Shipbuilding	10	2,028		2,028	8	1,952
5. Printing, Binding, Etc.	115	24,202	1,354	25,556	36	21,495
6. Wood Working and Furniture	88	10,958	40	10,998	46	8,665
7. Food and Liquors	116	14,616		14,616	32	9,748
Food products	62	7,097		7,097	24	5,156
Beverages	54	7,519		7,519	8	4,592
8. Theaters and Music	63	14,890	1,362	16,252	12	11,959
9. Tobacco	65	9,154	2,517	11,671	13	7,662
10. Restaurants, Trade, Etc.	135	10,179	147	10,326	17	4,103
Hotels and restaurants	50	5,601	1	5,602	7	2,814
Barbering	54	3,020		3,020	3	653
Retail trade	31	1,558	146	1,704	7	636
11. Public Employment	125	10,679	64	10,743	25	8,526
12. Stationary Engine Men	69	12,790		12,790	27	9,156
13. Miscellaneous	92	8,669	133	8,802	21	3,496
Paper and paper goods	34	3,202	33	3,235		
Leather and leather goods	8	1,152		1,152	5	777
Glass and glassware	17	1,176		1,176	5	611
Cement and clay products	6	425		425	2	258
Other distinct trades	19	2,203	100	2,303	9	1,850
Mixed employment	8	511		511		
Grand Total	2,451	385,807	12,775	398,582	681	257,751

IN THE STATE AND IN THE PRINCIPAL CITIES, MARCH 31, 1908.

CITY.	BUFFALO.		ROCHESTER.		SYRACUSE.		ALBANY.		SCHENEC- TADY.		TROY.	
Thereof Women.	Org.	Mem- bers.	Org.	Mem- bers.	Org.	Mem- bers.	Org.	Mem- bers.	Org.	Mem- bers.	Org.	Mem- bers.
.....	42	5,215	21	5,014	19	2,536	14	1,430	9	1,269	9	852
.....	4	239	1	103	1	68	2	85	.....	.....	.....	.....
.....	38	4,976	17	3,311	15	2,347	11	1,220	8	1,189	8	825
.....	.....	.....	3	1,600	3	131	1	125	1	80	1	27
83	50	13,042	15	2,325	14	1,129	21	3,256	3	243	10	1,174
.....	29	4,870	10	1,867	12	1,054	11	1,870	3	243	5	689
.....	6	5,515	.....	.....	.....	.....	2	156	.....	.....	.....	.....
.....	7	608	4	402	.....	.....	4	680	.....	.....	3	390
.....	7	2,014	.....	.....	1	65	2	332	.....	.....	2	95
83	1	135	1	56	1	10	2	218	.....	.....	.....	.....
4,033	9	1,369	4	1,492	12	1,324	4	180	1	45	2	110
2,645	7	1,197	2	92	9	1,173	2	97	1	45	1	90
530	.....	.....	.....	.....	1	20	1	74	.....	.....	1	20
616	.....	.....	.....	.....	.....	.....	1	9	.....	.....	.....	.....
225	2	172	2	1,400	2	131	.....	.....	.....	.....	.....	.....
17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	19	3,092	10	1,743	8	894	10	678	23	3,756	11	865
.....	17	2,880	9	1,635	7	806	8	635	22	3,710	9	804
.....	2	212	1	108	1	88	2	43	1	46	2	61
.....
1,235	12	951	7	435	6	387	6	788	1	64	1	135
35	7	504	5	537	6	177	4	164	1	28	1	50
.....	10	1,280	5	508	6	467	7	458	2	88	5	338
.....	4	301	3	172	2	235	2	145	2	88	2	116
.....	6	979	2	336	4	232	5	313	.....	.....	3	222
1,148	3	520	2	650	2	277	3	243	2	142	2	216
2,268	1	483	2	252	3	498	3	270	1	64	1	353
.....	7	1,089	3	442	5	588	4	487	3	318	3	264
.....	2	425	2	292	2	288	1	226	1	130	1	110
.....	1	508	1	150	1	158	1	146	1	86	1	104
.....	4	156	.....	.....	2	142	2	116	1	102	1	50
14	4	721	3	222	2	130	4	193	2	83	2	58
.....	6	1,743	2	620	2	198	3	168	.....	.....	1	32
100	6	418	2	55	.....	.....	.....	.....	.....	.....	1	136
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	136
.....	1	80	2	55	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	103	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
100	3	105	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	130	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
8,916	176	30,427	81	14,295	85	8,605	83	8,315	48	6,100	49	4,583

TABLE IV.—STATISTICS OF BUILDING OPERATIONS IN THE PRINCIPAL CITIES.

(a) Buildings Authorized in New York City in January, February and March, 1907 and 1908.

BOROUGH.	NUMBER OF BUILDINGS AUTHORIZED.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS —			
	1907.	1908.	1907.	1908.	COMMENCED.		COMPLETED.	
					1907.	1908.	1907.	1908.
NEW BUILDINGS:								
Bronx.....	464	276	\$5,139,600	\$2,572,575	240	190	389	212
Brooklyn.....	2,239	895	15,595,649	4,868,747	1,539	540	2,181	1,714
Manhattan.....	218	119	15,783,310	6,361,900	100	65	383	218
Queens.....	900	647	3,738,980	2,510,144	320	303	544	444
Richmond.....	127	153	398,578	686,405	96	107	145	119
Total.....	3,948	2,090	\$40,656,117	\$18,999,771	2,295	1,205	3,642	2,707
ALTERATIONS:								
Bronx.....	130	152	\$215,635	\$151,248	108	108	108	97
Brooklyn.....	1,782	1,518	1,718,824	822,321	1,350	1,476	1,711	1,808
Manhattan.....	918	683	5,868,751	3,370,902	587	484	597	627
Queens.....	218	226	673,947	160,226	107	150	343	188
Richmond.....	120	128	80,083	62,229	93	124	87	107
Total.....	3,168	2,707	\$8,557,240	\$4,566,926	2,245	2,342	2,846	2,827
TOTAL OF NEW BUILDINGS AND ALTERATIONS:								
Bronx.....	594	428	\$5,355,235	\$2,723,823	348	298	497	309
Brooklyn.....	4,021	2,413	17,314,473	5,691,068	2,889	2,016	3,892	3,522
Manhattan.....	1,136	802	21,652,061	9,732,802	687	549	980	845
Queens.....	1,118	873	4,412,927	2,670,370	427	453	887	632
Richmond.....	247	281	478,661	748,634	189	231	232	226
Total.....	7,116	4,797	\$49,213,357	\$21,566,697	4,540	3,547	6,488	5,534

Number and Estimated Cost of New and Remodeled Tenement Houses Included in the Foregoing Table.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST.	
	1907.	1908.	1907.	1908.
NEW TENEMENTS:				
Bronx.....	53	40	\$1,827,000	\$962,000
Brooklyn.....	490	131	5,878,000	1,634,300
Manhattan.....	43	31	5,111,000	2,234,000
Queens.....	91	75	691,000	488,300
Richmond.....	.....	1	.....	7,000
Total.....	677	278	\$13,507,400	\$5,325,600
REMODELED TENEMENTS:				
Bronx.....	21	21	\$20,225	\$10,825
Brooklyn.....	121	145	124,250	85,253
Manhattan.....	548	368	1,173,174	530,940
Queens.....	14	31	5,825	12,305
Richmond.....	1	1	250	30
Total.....	705	566	\$1,323,724	\$639,353
TOTAL OF NEW AND REMODELED TENEMENTS:				
Bronx.....	74	61	\$1,847,225	\$972,825
Brooklyn.....	611	276	6,002,250	1,719,553
Manhattan.....	591	399	6,284,174	2,764,940
Queens.....	105	106	697,225	500,605
Richmond.....	1	2	250	7,030
Total.....	1,382	844	\$14,831,124	\$5,964,953

TABLE IV.—STATISTICS OF BUILDING OPERATIONS—(Continued).

(b) Buffalo, Rochester, Syracuse and Troy.

CITY AND PERIOD.	ADDITIONS AND					
	NEW BUILDINGS.		REPAIRS.		ALL BUILDINGS.	
	No.	Est. Cost.	No.	Est. Cost.	No.	Est. Cost.
BUFFALO.						
January.....	82	\$196,450	45	\$46,550	127	\$243,000
February.....	78	1274,160	32	28,840	110	1393,000
March.....	100	358,860	116	81,140	216	440,000
January-March, 1908.....	260	1829,470	193	156,530	453	1986,000
1907.....	291	e1,423,850	240	255,850	531	e1,679,700
1906.....	344	a1,104,785	213	245,180	557	a1,349,965
1905.....	275	963,768	171	181,118	446	1,144,886
1904.....	247	908,939	161	243,719	408	1,152,658
1903.....	205	523,463	117	104,365	322	627,828
1902.....	284	720,953	141	123,461	425	844,414
1901.....	182	735,795	112	350,975	294	1,086,770
1900.....	115	585,530	104	109,343	219	694,873
ROCHESTER.						
January.....	39	\$108,695	20	\$31,465	59	\$140,160
February.....	27	64,315	21	17,500	48	81,815
March.....	71	312,335	47	20,763	118	333,098
January-March, 1908.....	137	\$485,345	88	\$69,728	225	\$555,073
1907.....	210	f1,502,900	112	114,310	322	f1,617,210
1906.....	223	b1,181,653	79	106,271	302	b1,287,924
1905.....	247	c844,949	66	47,578	313	c892,527
1904.....	66	433,280	47	28,665	113	461,945
1903.....	136	320,812	55	42,401	191	363,213
1902.....	112	304,574	36	22,166	148	326,740
1901.....	89	185,450	53	78,704	142	264,154
1900.....	81	204,550	29	16,425	110	220,975
SYRACUSE.						
January.....	40	\$93,525	24	\$12,950	64	\$106,475
February.....	44	j418,900	35	42,823	79	j461,723
March.....	49	120,970	40	41,642	89	162,612
January-March, 1908.....	133	j8633,395	99	\$97,415	232	j8730,810
1907.....	120	g694,345	81	122,215	201	g816,560
1906.....	89	326,685	77	72,160	166	398,845
1905.....	72	192,700	49	40,775	121	233,475
1904.....	35	d1,075,722	44	38,600	79	d1,114,322
1903.....	36	288,525	60	96,690	96	383,215
1902.....	65	182,505	51	110,435	116	292,904
1901.....	66	206,757	54	28,010	120	234,767
1900.....	94	182,747	46	34,964	140	217,711
TROY.						
January-March, 1908.....	10	k\$316,750	30	\$58,800	40	k\$375,500
1907.....	12	h111,350	30	40,920	42	h152,270
1906.....	15	58,000	23	23,715	38	81,715

a Including one store and office building to cost \$150,000.

b Including a department store to cost \$400,000.

c Including an office and factory building to cost \$107,131.

d Including a county court house to cost \$900,000.

e Including a brick car house to cost \$100,000, and a fireproof warehouse costing \$240,000.

f Including a fireproof hotel to cost \$730,000.

g Including a Y. M. C. A. building to cost \$264,000.

h Including a Maternity Home to cost \$80,000.

i Including a children's hospital to cost \$80,000 and two churches to cost \$50,000 and \$54,000 respectively.

j Including a gymnasium (Syracuse University) to cost \$300,000.

k Including a mechanical and electrical laboratory (Rensselaer Polytechnic Institute) to cost \$275,000.

TABLE V.—IMMIGRATION AT THE PORT OF
(Compiled by the Bureau of Immigration and

	RACE OR PEOPLE.	Sex.		Total ad- mitted.	Under 14 years.
		Male.	Female.		
1	African (black).....	56	49	105	10
2	Armenian.....	294	182	476	128
3	Bohemian and Moravian.....	223	248	471	102
4	Bulgarian, Servian, Montenegrin.....	129	49	178	16
5	Chinese.....	3	.....	3	.....
6	Croatian and Slovenian.....	324	267	591	93
7	Cuban.....	62	17	79	4
8	Dalmatian, Bosnian, Herzegovinian.....	91	30	121	6
9	Dutch and Flemish.....	783	510	1,293	343
10	East Indian.....	17	.....	17	.....
11	English.....	2,376	1,410	3,786	498
12	Finnish.....	85	122	207	17
13	French.....	591	381	972	134
14	German.....	3,527	2,402	5,929	1,163
15	Greek.....	812	122	934	60
16	Hebrew.....	7,007	5,488	12,495	2,973
17	Irish.....	968	740	1,708	151
18	Italian (North).....	1,541	801	2,342	295
19	Italian (South).....	6,012	3,297	9,309	1,667
20	Japanese.....	10	1	11	1
21	Korean.....	5	1	6	.....
22	Lithuanian.....	576	344	920	66
23	Magyar.....	950	635	1,585	283
24	Mexican.....	30	13	43	1
25	Pacific Islander.....	.....	.....	.....	.....
26	Polish.....	2,185	1,432	3,617	484
27	Portuguese.....	424	132	556	75
28	Roumanian.....	173	34	207	27
29	Russian.....	1,458	202	1,660	65
30	Ruthenian (Russniak).....	604	259	863	55
31	Scandinavian.....	1,631	847	2,478	184
32	Scotch.....	798	470	1,268	183
33	Slovak.....	734	585	1,319	232
34	Spanish.....	449	97	546	22
35	Spanish-American.....	40	9	49	3
36	Syrian.....	155	69	224	23
37	Turkish.....	210	7	217	7
38	Welsh.....	205	54	259	31
39	West Indian (except Cuban).....	27	22	49	7
40	Other peoples.....	105	9	114	2
41	Grand Total.....	35,670	21,337	57,007	9,411

* The number of immigrants destined

Alabama.....	74	Indiana.....	344
Alaska.....	7	Indian Territory.....	17
Arizona.....	62	Iowa.....	755
Arkansas.....	29	Kansas.....	281
California.....	1,452	Kentucky.....	58
Colorado.....	456	Louisiana.....	127
Connecticut.....	1,310	Maine.....	93
Delaware.....	69	Maryland.....	202
District of Columbia.....	167	Massachusetts.....	3,213
Florida.....	82	Michigan.....	959
Georgia.....	51	Minnesota.....	658
Hawaii.....	3	Mississippi.....	26
Idaho.....	152	Missouri.....	651
Illinois.....	3,864	Montana.....	168

NEW YORK, QUARTER ENDED MARCH 31, 1908.*

Naturalization, Department of Commerce and Labor.)

AGE.		ILLITERACY. (14 years and over)		Have been in the United States before.	Total de- barred.	TOTAL ADMITTED. FIRST QUARTER, 1907.			
14 to 44.	45 and over.	Can read but cannot write.	Can neither read nor write.			Males.	Fe- males.	Total.	
92	3	.....	3	32	2	61	48	109	1
319	29	.....	94	15	17	325	119	444	2
352	17	2	4	13	.....	885	415	1,300	3
154	8	.....	49	16	12	3,900	110	4,010	4
3	.....	.....	.....	.....	4	1	.....	1	5
482	16	1	107	43	6	7,688	1,098	8,786	6
68	7	.....	.....	60	.....	83	19	102	7
110	5	.....	59	.....	2	1,630	38	1,668	8
842	108	.....	19	102	4	1,752	689	2,441	9
16	1	.....	.....	2	7	4	.....	4	10
2,873	415	.....	12	851	20	3,622	1,379	5,001	11
186	4	.....	1	25	4	972	273	1,245	12
752	86	.....	18	168	6	856	559	1,415	13
4,417	349	6	248	520	75	9,294	4,462	13,756	14
855	19	1	227	75	39	4,814	134	4,948	15
8,693	829	6	2,794	159	103	11,528	8,398	19,926	16
1,463	94	.....	12	263	12	1,583	742	2,325	17
1,955	92	.....	109	173	48	8,795	1,482	10,277	18
6,889	753	.....	3,668	845	144	41,049	7,089	48,138	19
9	1	.....	.....	4	2	30	4	34	20
6	.....	.....	.....	2	.....	.....	.....	.....	21
829	25	15	456	23	20	2,061	622	2,683	22
1,227	75	.....	118	153	14	13,899	2,998	16,897	23
42	.....	.....	.....	19	1	9	1	10	24
.....	.....	.....	.....	.....	.....	.....	.....	.....	25
3,042	91	67	1,095	134	48	17,011	4,979	21,990	26
442	39	.....	307	87	8	390	119	509	27
164	16	.....	82	9	1	4,262	260	4,522	28
1,550	45	1	644	16	29	2,096	154	2,250	29
790	18	.....	378	57	7	3,747	909	4,656	30
2,189	105	2	.....	223	8	3,793	1,065	4,858	31
972	113	.....	2	310	5	1,505	512	2,017	32
1,018	69	2	300	167	13	7,485	2,510	9,995	33
495	29	.....	54	77	11	787	87	854	34
40	6	.....	1	15	.....	64	13	77	35
190	11	.....	78	19	34	139	52	191	36
208	2	.....	129	14	36	345	9	354	37
213	15	.....	4	59	1	210	95	305	38
40	2	.....	8	30	.....	28	7	35	39
111	1	.....	43	3	5	234	12	246	40
44,098	3,498	103	11,123	4,783	748	156,917	41,462	198,379	41

to each state or territory is shown below:

Nebraska.....	429	Rhode Island.....	496
Nevada.....	223	South Carolina.....	11
New Hampshire.....	87	South Dakota.....	273
New Jersey.....	3,195	Tennessee.....	52
New Mexico.....	43	Texas.....	133
New York.....	24,374	Utah.....	72
North Carolina.....	65	Vermont.....	109
North Dakota.....	480	Virginia.....	169
Ohio.....	1,625	Washington.....	380
Oklahoma.....	30	West Virginia.....	329
Oregon.....	189	Wisconsin.....	895
Pennsylvania.....	7,807	Wyoming.....	104
Philippine Islands.....	.....	Grand total.....	57,007
Porto Rico.....	17		

TABLE VI.—EMIGRATION FROM THE PORT OF
(Compiled by the Bureau of Immigration and

	RACE OR PEOPLE.	SEX.		Total departed.
		Male.	Female.	
1	African (black).....	3	6	9
2	Armenian.....	21	.....	21
3	Bohemian and Moravian.....	64	14	78
4	Bulgarian, Servian, Montenegrin.....	555	3	558
5	Chinese.....	.....	.....	.....
6	Croatian and Slovenian.....	3,064	121	3,185
7	Cuban.....	27	11	38
8	Dalmatian, Bosnian, Herzegovinian.....	73	1	74
9	Dutch and Flemish.....	76	11	87
10	East Indian.....	.....	.....	.....
11	English.....	128	53	181
12	Finnish.....	183	25	208
13	French.....	128	73	201
14	German.....	772	192	964
15	Greek.....	489	7	496
16	Hebrew.....	462	60	522
17	Irish.....	39	24	63
18	Italian (North).....	1,568	78	1,646
19	Italian (South).....	13,348	502	13,850
20	Japanese.....	5	.....	5
21	Korean.....	.....	.....	.....
22	Lithuanian.....	216	17	233
23	Magyar.....	2,847	236	3,083
24	Mexican.....	6	1	7
25	Pacific Islander.....	1	.....	1
26	Polish.....	4,231	400	4,631
27	Portuguese.....	13	1	14
28	Roumanian.....	730	24	754
29	Russian.....	781	52	833
30	Ruthenian (Russenak).....	280	12	292
31	Scandinavian.....	180	40	220
32	Scotch.....	59	12	71
33	Slovak.....	1,867	164	2,031
34	Spanish.....	86	9	95
35	Spanish-American.....	5	3	8
36	Syrian.....	76	7	83
37	Turkish.....	176	1	177
38	Welsh.....	1	.....	1
39	West Indian (except Cuban).....	8	4	12
40	Other peoples.....	7	.....	7
41	Grand Total.....	32,575	2,164	34,739

*The residence of emigrant aliens departing from the

Alabama.....	13	Indiana.....	539
Alaska.....	5	Indian Territory.....	2
Arizona.....	12	Iowa.....	32
Arkansas.....	5	Kansas.....	13
California.....	635	Kentucky.....	4
Colorado.....	282	Louisiana.....	9
Connecticut.....	706	Maine.....	36
Delaware.....	35	Maryland.....	120
District of Columbia.....	28	Massachusetts.....	828
Florida.....	7	Michigan.....	758
Georgia.....	5	Minnesota.....	300
Hawaii.....	.....	Mississippi.....	518
Idaho.....	7	Missouri.....	13
Illinois.....	2,746	Montana.....	116

NEW YORK, (A) MONTH ENDED JANUARY 31, 1908.*

Naturalization, Department of Commerce and Labor.)

AGE.			CONTINUOUS RESIDENCE IN THE UNITED STATES.					
Under 14 years.	14 to 44.	45 and over.	Under 5 years.	5 to 10 years.	10 to 15 years.	15 to 20 years.	Over 20 years.	
.....	9	.....	7	2	.....	.....	.....	1
.....	18	3	16	4	1	.....	.....	2
1	69	8	63	14	.....	.....	1	3
.....	538	20	516	42	.....	.....	.....	4
.....	.....	.....	.....	.....	.....	.....	.....	5
25	2,943	217	2,409	756	12	7	1	6
1	32	5	25	10	1	2	.....	7
.....	64	10	60	13	.....	1	.....	8
2	75	10	73	9	4	1	.....	9
.....	.....	.....	.....	.....	.....	.....	.....	10
7	145	29	137	35	5	2	2	11
2	192	14	144	60	2	2	.....	12
12	164	25	126	57	8	4	6	13
27	843	94	745	190	9	11	9	14
4	463	29	385	107	3	1	.....	15
8	476	38	426	92	.....	1	3	16
4	51	8	41	17	1	4	.....	17
24	1,518	104	1,209	412	7	10	8	18
218	12,596	1,036	11,478	2,251	79	35	7	19
.....	5	.....	3	2	.....	.....	.....	20
.....	.....	.....	.....	.....	.....	.....	.....	21
2	218	13	197	35	1	.....	.....	22
36	2,812	235	2,602	454	18	7	2	23
1	6	.....	7	.....	.....	.....	.....	24
.....	1	.....	1	.....	.....	.....	.....	25
59	4,280	292	4,159	440	22	8	2	26
.....	13	1	12	1	.....	.....	1	27
2	705	47	708	45	1	.....	.....	28
12	775	46	744	88	1	.....	.....	29
.....	274	18	254	37	1	.....	.....	30
11	190	19	143	65	10	.....	2	31
5	61	5	61	7	3	.....	.....	32
25	1,850	156	1,897	118	5	8	3	33
5	86	4	74	20	1	.....	.....	34
.....	7	1	6	2	.....	.....	.....	35
3	70	10	53	27	2	.....	1	36
.....	169	8	166	11	.....	.....	.....	37
.....	1	.....	1	.....	.....	.....	.....	38
.....	9	3	12	.....	.....	.....	.....	39
.....	5	2	7	.....	.....	.....	.....	40
496	31,733	2,510	28,967	5,423	197	104	48	41

Port of New York was as follows:

Nebraska.....	35	Rhode Island.....	83
Nevada.....	31	South Carolina.....	1
New Hampshire.....	23	South Dakota.....	16
New Jersey.....	1,587	Tennessee.....	9
New Mexico.....	13	Texas.....	9
New York.....	10,231	Utah.....	136
North Carolina.....	1	Vermont.....	49
North Dakota.....	6	Virginia.....	182
Ohio.....	2,625	Washington.....	201
Oklahoma.....	17	West Virginia.....	721
Oregon.....	40	Wisconsin.....	242
Pennsylvania.....	10,689	Wyoming.....	23
Philippine Islands.....	.....	Grand total.....	34,739
Porto Rico.....	.....	

TABLE VI.—EMIGRATION FROM THE PORT OF
(Compiled by the Bureau of Immigration and

	RACE OR PEOPLE.	Sex.		Total departed	Under 14 years.
		Male.	Female.		
1	African (black).....	40	32	72	8
2	Armenian.....	32	2	34	.....
3	Bohemian and Moravian.....	172	46	218	12
4	Bulgarian, Servian, Montenegrin.....	1,986	32	2,018	4
5	Chinese.....	.....	.....	.....	.....
6	Croatian and Slovenian.....	8,230	303	8,533	58
7	Cuban.....	58	26	84	9
8	Dalmatian, Bosnian, Herzegovinian.....	362	6	368	2
9	Dutch and Flemish.....	272	57	329	18
10	East Indian.....	6	.....	6	.....
11	English.....	655	209	864	47
12	Finnish.....	413	68	481	13
13	French.....	302	162	464	19
14	German.....	2,071	689	2,760	112
15	Greek.....	1,698	14	1,712	8
16	Hebrew.....	1,205	264	1,469	76
17	Irish.....	172	155	327	13
18	Italian (North).....	5,611	363	5,974	109
19	Italian (South).....	53,167	2,167	55,334	792
20	Japanese.....	8	.....	8	.....
21	Korean.....	2	.....	2	.....
22	Lithuanian.....	481	54	535	8
23	Magyar.....	7,440	847	8,287	156
24	Mexican.....	8	2	10	.....
25	Pacific Islander.....	.....	.....	.....	.....
26	Polish.....	9,023	1,137	10,160	225
27	Portuguese.....	94	28	122	8
28	Roumanian.....	1,658	53	1,711	7
29	Russian.....	1,181	119	1,300	25
30	Ruthenian (Russiak).....	810	58	868	6
31	Scandinavian.....	1,050	325	1,375	38
32	Scotch.....	204	63	267	20
33	Slovak.....	5,178	594	5,772	103
34	Spanish.....	260	14	274	3
35	Spanish-American.....	24	10	34	2
36	Syrian.....	277	65	342	3
37	Turkish.....	333	2	335	3
38	Welsh.....	17	2	19	.....
39	West Indian (except Cuban).....	32	37	69	7
40	Other peoples.....	149	.....	149	.....
41	Grand Total.....	104,681	8,005	112,686	1,914

* The residence of emigrant aliens departing

Alabama.....	107	Indiana.....	1,333
Alaska.....	11	Indian Territory.....	11
Arizona.....	127	Iowa.....	117
Arkansas.....	17	Kansas.....	149
California.....	1,808	Kentucky.....	48
Colorado.....	684	Louisiana.....	48
Connecticut.....	3,027	Maine.....	124
Delaware.....	119	Maryland.....	270
District of Columbia.....	118	Massachusetts.....	2,665
Florida.....	23	Michigan.....	2,489
Georgia.....	19	Minnesota.....	1,275
Hawaii.....	2	Mississippi.....	18
Idaho.....	86	Missouri.....	1,479
Illinois.....	9,845	Montana.....	321

NEW YORK, (B) QUARTER ENDED DECEMBER 31, 1907.*

Naturalization, Department of Commerce and Labor.)

AGE.		CONTINUOUS RESIDENCE IN THE UNITED STATES.					Total departed, third quarter, 1907.	
14 to 44.	45 and over.	Not over 5 years.	5 to 10 years.	10 to 15 years.	15 to 20 years.	Over 20 years.		
62	2	59	11	1	1	.....	37	1
30	4	26	7	.....	1	.....	94	2
178	28	178	28	9	1	2	202	3
1,916	98	1,869	142	3	1	3	847	4
.....	.....	.....	.....	.....	.....	.....	12	5
7,824	651	6,880	1,528	85	27	13	4,519	6
68	7	73	8	.....	2	1	96	7
329	37	312	55	.....	1	.....	265	8
292	19	250	71	4	3	1	249	9
6	.....	5	1	.....	.....	.....	12	10
728	89	712	104	21	13	14	767	11
430	38	333	127	9	11	1	507	12
375	70	286	109	27	25	17	812	13
2,353	295	2,168	469	47	36	40	2,578	14
1,593	111	1,329	366	16	1	.....	1,114	15
1,261	132	1,228	210	19	9	3	1,476	16
280	34	216	74	16	8	13	588	17
5,370	495	3,686	1,937	236	93	22	4,223	18
49,825	4,717	46,655	8,110	343	178	48	23,952	19
8	.....	2	2	3	.....	1	9	20
2	.....	2	.....	.....	.....	.....	3	21
487	40	402	121	7	3	2	789	22
7,421	710	7,234	984	41	18	10	4,862	23
9	1	7	3	.....	.....	.....	34	24
.....	.....	.....	.....	.....	.....	.....	.....	25
9,090	845	8,800	1,237	64	49	10	8,474	26
99	15	75	38	1	3	5	73	27
1,545	159	1,620	91	.....	.....	.....	723	28
1,187	88	1,088	191	9	10	2	1,335	29
784	78	764	94	5	4	1	561	30
1,185	152	924	357	36	35	23	1,091	31
224	23	224	35	4	2	2	296	32
5,203	466	4,869	837	35	22	9	4,400	33
253	18	207	49	7	8	3	181	34
30	2	28	4	1	1	.....	61	35
295	44	191	126	18	7	.....	546	36
307	25	301	34	.....	.....	.....	226	37
14	15	12	2	3	.....	2	30	38
59	3	53	13	2	1	.....	34	39
135	14	139	10	.....	.....	.....	26	40
101,257	9,515	93,207	17,585	1,072	574	248	66,104	41

from the Port of New York was as follows:

Nebraska.....	280	Rhode Island.....	405
Nevada.....	159	South Carolina.....	12
New Hampshire.....	92	South Dakota.....	68
New Jersey.....	5,136	Tennessee.....	37
New Mexico.....	51	Texas.....	55
New York.....	37,572	Utah.....	388
North Carolina.....	52	Vermont.....	126
North Dakota.....	88	Virginia.....	354
Ohio.....	7,340	Washington.....	795
Oklahoma.....	27	West Virginia.....	1,567
Oregon.....	323	Wisconsin.....	1,511
Pennsylvania.....	29,852	Wyoming.....	56
Philippine Islands.....	.....	Grand total.....	112,686
Porto Rico.....	.....	

BUREAU OF FACTORY INSPECTION.

Table VII.—Work of the Deputy Factory Inspectors.

	FIRST QUARTER, 1908.				First quarter, 1907.
	Jan.	Feb.	Mar.	Total.	
Regular inspections:					
Factories in separate buildings.....	784	509	869	2,162	2,032
Tenant factories.....	2,278	1,871	2,532	6,681	7,504
Laundries.....	178	150	156	484	538
Bakeries.....	397	290	333	1,020	533
Mines and quarries.....					
Tunnel workings.....			1	1	
Tenant factory buildings.....	4	12	17	33	84
Tenement buildings (licensed).....	1,400	1,641	1,498	4,539	1,830
Total.....	5,041	4,473	5,406	14,920	12,521
Special inspections (factories, laundries, bakeries).....	149	181	177	507	327
Investigations:					
Applications for license.....	323	249	235	807	1,062
Complaints.....	16	20	11	47	229
Compliances (No. of establishments).....	1,218	1,259	2,160	4,637	18,486
On special orders.....	305	379	363	1,047	561
Total.....	1,862	1,907	2,769	6,538	10,338
Observations:					
Tenement buildings (unlicensed).....	580	587	534	1,701	1,719
Tunnel workings.....	22	21	20	63	
Tagging, to stop work:					
Goods in tenements (§100).....	10	2	1	13	59
Goods in tenant factories (§95).....	27	56	51	134	85
Articles in bakeries (§114).....		2	1	3	13
Unsafe machinery (§81).....	1	3	1	5	
Scaffolding (§19).....					
Total.....	38	63	54	155	157
Prosecutions begun†.....	72	56	49	177	49
Days or parts of days on court work.....	73½	43½	49½	167	154½
Hours spent in patrol work.....	95½	26	77½	199	

Table VIII.—Number of Children's Employment Certificates Issued by Boards of Health in First and Second Class Cities.

CITY.	FIRST QUARTER, 1908.				First quarter, 1907.
	Jan.	Feb.	Mar.	Total.	
New York City:					
Bronx Borough.....	119	179	163	461	445
Brooklyn Borough.....	355	470	505	1,330	337
Manhattan Borough.....	789	1,058	1,049	2,896	2,699
Queens Borough.....	51	47	40	138	156
Richmond Borough.....	3	8	4	15	32
Total—New York City.....	1,317	1,762	1,761	4,840	3,669
Buffalo.....	42	47	41	130	218
Rochester.....	20	51	32	103	155
Syracuse.....	22	35	39	96	143
Albany.....	14	3	11	28	53
Troy.....	19	14	28	61	34
Utica.....	19	12	17	48	73
Yonkers.....	9	4	10	23	9
Schenectady.....	4	7	7	18	44

† See Table XI.

* Not reported.

‡ In 1907 each visit to an establishment with reference to the same orders was counted as one investigation; in 1908 only the first visit, subsequent visits being reckoned as simply a part of the one investigation.

§ Includes "mercantile" as well as "manufacturing" certificates.

BUREAU OF FACTORY INSPECTION.

Table IX.—Licenses for Tenement Manufacturers.

APPLICATIONS.	FIRST QUARTER, 1908.			Total Oct. 1, 1904, to Mar. 31, 1908.
	New York City.	Remain- der of State.	Total.	
Applications pending December 30, 1907.....	32	.....	82	.....
Applications received.....	594	8	602	11,382
Total.....	626	8	634	11,382
ACTION TAKEN.				
(1) Applications for dwelling with- out clear record from local health or tenement-house authorities and therefore.....	refused	.....	.....	1,775
(2) Applications for dwellings with clear record from health and tenement-house authorities, in- vestigated by factory inspector and.....	granted	422	4	426
	refused	156	.....	156
	suspended*	2	.....	2
(3) Applications for shop buildings investigated by factory inspector and.....	granted	4	4	8
	refused	1	.....	1
	suspended*	.....	.....	3
Applications previously refused in class 1 with subsequent report of compliance with orders of health or tenement-house authorities, in- vestigated by factory inspector and	granted	16	.....	16
	refused	6	.....	6
	suspended*	4	.....	4
Applications previously refused or suspended in classes 2 or 3, subse- quently re-investigated and.....	granted	127	.....	127
	refused	61	.....	61
	suspended*	15	.....	15
Applications cancelled by applicant.....	21	.....	21	249
Applications duplicated.....	.....	.....	.....	27
Applications pending March 31, 1908.....	39	.....	39	39
NET RESULTS.				
Net increase or decrease in —				
Granted applications.....	569	8	577	9,656
Refused applications.....	a	.....	a	6341
Suspended applications*.....	a	.....	a	6909
Duplicated or cancelled applications.....	21	.....	21	6437
OUTSTANDING LICENSES.				
Number December 31, 1907.....	8,249	506	8,755	8,755
(Cancelled at request of licensee.....	51	.....	51	366
Revoked for unlawful conditions.....	1	.....	1	10
Net increase.....	517	8	525	.....
Outstanding March 31, 1908.....	8,766	514	9,280	9,280

a Not reported.

b Owing to a change in mode of recording, these figures do not correspond to those of previous reports. Applications once refused are frequently afterward suspended or cancelled. Heretofore these have continued in number of refusals. Now, however, they are taken out and counted in their respective classes.

* These are cases in which investigation showed no work being done or likely to be done on the premises and in which no call for the license was received after investigation.

TABLE X.—ACCIDENTS IN FACTORIES, QUARRIES AND TUNNEL CONSTRUCTION,
JANUARY-MARCH, 1908.

(a) Age and Sex of Persons Injured.

CAUSE. [n. e. s.—not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +.	Age not stated.	Total.	Male.	Fe- male.
MECHANICAL POWER.							
Transmission of power:							
Motors (engines, dynamos, flywheels, etc.)		1	36		37	36	1
Air fans, steam pumps, etc.			7		7	7	
Gearing	3	9	69	1	82	71	11
Set screws			14		14	14	
Shafting		2	17		19	16	3
Belts and pulleys	2	6	66	1	75	74	1
Conveying and hoisting machinery:							
Elevators and lifts		4	56	3	63	63	
Cranes (steam, electric, portable, etc.)			16		16	16	
Hoisting and conveying apparatus		3	159	1	163	162	1
Locomotives and trains			74		74	74	
Wood working machines:							
Saws		5	101	1	107	106	1
Planers		1	29		30	30	
Jointers			12	1	13	13	
Shapers			10		10	10	
Lathes	1				1	1	
Heading machines			2		2	2	
Other wood working machines		2	28		30	30	
Paper and printing machinery:							
Barkers			7		7	7	
Calendars and other paper making machines		1	47	2	50	49	1
Paper cutting, stitching and staying machines	3	11	32		46	24	22
Printing presses	1	4	12		17	11	6
Textile machinery:							
Picking machines		1	8		9	7	2
Carding machines			7		7	7	
Spinning machines	1		7		8	6	2
Looms		4	23		27	18	9
Formers, knitting machines and other textile machinery		4	29		33	24	9
Sewing machines, etc.		5	10		15	4	11
Laundry machines			4		4	1	3
Leather working machinery	1	1	24		26	25	1
Metal working machinery:							
Stamping machines	2	18	101	2	123	99	24
Drilling and milling machines	1	1	46		48	48	
Screw machines			7		7	6	1
Lathes			31		31	31	
Drop and other power hammers	1	1	26		28	28	
Shears	1	1	21		23	22	1
Rollers		1	11		12	12	
Others	1	4	59		64	64	
Polishing machines:							
Contact with grindstones, emery wheels, etc.			18		18	18	
Struck by fragments of polishing wheels		1	37		38	38	
Other	1	3	29		33	33	
Machines used in bakeries, confection- ery establishments, etc.			8		8	8	
Machines not elsewhere specified	1	5	72	1	79	72	7
Total	20	99	1,372	13	1,504	1,387	117
HEAT AND ELECTRICITY.							
Explosives (powder, dynamite, etc.)			18	1	19	15	4
Explosion and ignition of gases		1	10		11	11	
Explosion of boilers and steam pipes			4		4	4	
Other injuries from steam and hot liquids			51		51	50	1
Caustics		1	32		33	32	1
Explosion of molten metals			11		11	11	
Other accidents from molten metal			36		36	36	
Vats, pans, etc. (containing hot liquids or caustics)		1	12		13	13	

TABLE X.—ACCIDENTS IN FACTORIES, QUARRIES AND TUNNEL CONSTRUCTION
JANUARY-MARCH, 1908.

(a) Age and Sex of Persons Injured—(Continued.)

CAUSE. [n. e. s.—not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +.	Age not stated	Total.	Male.	Fe- male.
HEAT AND ELECTRICITY—(Continued).							
Electricity.....		1	47	2	50	48	2
Fire and heat, n. e. s.....		2	49	.....	51	49	2
Total.....		6	270	3	279	269	10
FALL OF PERSON.							
Fall from ladder, scaffold, platform, etc.			84	.....	84	84	.....
Fall from machinery, trucks, engines, etc.....		3	55	.....	58	58	.....
Fall caused by collapse of support.....		1	52	.....	53	53	.....
Fall through opening in floor.....		1	30	.....	30	30	.....
Fall in hoistway, shaft, etc.....			16	.....	16	16	.....
Fall on stairs, steps, etc.....	1		15	.....	15	13	2
Fall on level by slipping.....			45	.....	45	43	2
Fall on level by tripping.....		4	36	.....	40	39	1
All others.....		1	30	.....	31	30	1
Total.....	1	9	362	.....	372	366	6
INJURED BY WEIGHTS.							
Falling rock and earth (quarry, ex- cavating, etc.).....			48	.....	48	48	.....
Falling pile of material (lumber, coal, cement, etc.).....		1	42	.....	43	42	1
Falling walls, doors and other objects.....			185	2	187	186	1
Tools or weights dropped by person injured.....			24	.....	24	24	.....
Falling objects dropped by other per- sons.....		2	15	.....	17	16	1
Heavy materials or parts on which in- jured persons were at work.....			88	.....	88	88	.....
Machinery being moved.....			26	.....	26	26	.....
Fall of material from truck in transit.....		3	26	.....	29	29	.....
Handling of castings, flasks, etc.....		1	72	.....	73	73	.....
Handling of stone, ore, etc.....			18	.....	18	18	.....
Handling of lumber, paper and other materials.....		3	71	.....	74	74	.....
Loading and unloading.....		1	75	.....	76	76	.....
Cause insufficiently described for classi- fication.....			33	.....	33	33	.....
Total.....		11	723	2	736	733	3
FLYING OBJECTS.							
Struck in eye by piece of metal, glass, etc.....		7	86	.....	93	91	2
Other injuries from flying objects.....		3	31	.....	34	34	.....
Total.....		10	117	.....	127	125	2
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.....							
			64	1	65	65	.....
MISCELLANEOUS.							
Hand tools (hammers, knives, wrenches, files, etc.).....	1	5	96	.....	102	102	.....
Tools in hands of fellow workman.....			26	.....	26	26	.....
Injured while fitting and assembling, n. e. s.....		1	18	.....	19	19	.....
Hand caught on nail, wire, sharp pro- jection, etc.....		2	50	.....	52	51	1
Hand cut on glass.....		1	8	.....	9	8	1
Injured by stepping on nail, silver, etc.....			50	1	51	51	.....
Inhalation of poisonous gases.....			9	.....	9	9	.....
All other causes.....		1	49	1	51	49	2
Total.....	1	10	306	2	319	315	4
GRAND TOTAL.....	22	145	3,214	21	3,402	3,260	142

TABLE X.—(b) Causes and Results of Accidents in Factories.

CAUSE. [n. e. s.—Not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, flywheels, etc.)	37	5		4	6	1
Air fans, steam pumps, etc.	7	2		1		
Gearing	82	25		6	6	
Set screws	14	3		1	1	
Shafting	19	1		1	2	
Belts and pulleys	75	11		6	8	4
Conveying and hoisting machinery:						
Elevators and lifts	63	4	1	4	14	5
Cranes (steam, electric, portable, etc.)	16	1		1	4	
Hoisting and conveying apparatus, n. e. s.	163	31		17	39	6
Locomotives and trains	74	2		4	18	4
Wood working machines:						
Saws	107	19		13	5	
Planers	30	5	1	6	1	
Jointers	13	2		1		
Shapers	10	2		2		
Lathes	1					
Heading machines	2					
Other wood working machines	30	9		3	3	
Paper and printing machinery:						
Barkers	7	2		1		1
Calendars and other paper making machines	50	10		4	3	6
Paper cutting, stitching and staying machines	46	17		7	3	
Printing presses	17	3	1		2	
Textile machinery:						
Picking machines	9			1	3	
Carding machines	7	2		3	1	
Spinning machines	8	3		2		
Looms	27	4		12	4	
Formers, knitting machines and other textile machinery	33	10		6	2	
Sewing machines, etc.	15	2		5	1	
Laundry machines	4	1	1			
Leather working machinery	26	2		6	2	
Metal working machinery:						
Stamping machines	123	11		3	8	
Drilling and milling machines	48	9		9	6	1
Screw machines	7	2		2		
Lathes	31	5	1	11	4	1
Drop and other power hammers	28	4		4	2	1
Shears	23	3		1	1	5
Rollers	12	1		1	2	1
Others	64	18		9	12	3
Polishing machines:						
Contact with grindstones, emery wheels, etc.	18	5		3		
Struck by fragments of polishing wheels	38		1	5	5	
Other	33	8		10	4	
Machines used in bakeries, confectionery establishments, etc.	8			1	1	
Machines not elsewhere specified	79	17	1	12	17	2
Total	1,504	281	7	188	190	41
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.)	19		5	3		1
Explosion and ignition of gases	11			6		
Explosion of boilers and steam pipes	4			3		
Other injuries from steam and hot liquids	51			41		1
Caustics	33			26		
Explosion of molten metals	11	1		7		
Other accidents from molten metal	36			30		
Vats, pans, etc. (containing hot liquids or caustics)	13			12		
Electricity	50			43		
Fire and heat, n. e. s.	51			45		
Total	279	1	216		1	1

a Not an employee.

Quarries and Tunnel Construction, January–March, 1908.

DISABLEMENT.				Serious Injuries, probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internal.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
3	3		22	3		a1	11				12	
			3	1			2		1		3	
		1	38	18	1		23			2	26	
	4		9	1			2			1	3	1
	4	1	9	3	2		1			1	4	3
7	14	2	52	8	3	1	4		1	1	10	5
6	11	3	48	5			1		1	3	5	5
	5		11	3			1			1	2	
9	18	6	126	20			5		2	6	13	4
3	15	2	48	11		1	3		4		8	7
1	2	2	42	17		1	37	1	1	5	45	3
	1		14	6	1	2	6			1	10	
			3	1			9				9	
			4	2			3			1	4	
	1		1								2	
	2		17	4			8			1	9	
			4	1			2				2	
2	3	1	29	17			3			1	4	
	2		30	7	1		8				9	
2	2		10	2			4			1	5	
		1	5	1			3				3	
	1		7	2			1				1	
2		2	24	2			1				1	
1	3	2	24	5		1	2				3	1
	1	5	14	2			1				1	
1			11	9			6			1	6	
2	2	1	27	39			55			2	57	
2	3	1	31	7			8	1		1	10	
	1	1	6	1			1				1	
	2	2	26	4			5				5	
3			14	9			8			1	9	
1		1	12	2			2				2	
	2		7	3			5	1		2	8	
2	4		48	8							2	
		1	9	7			2				2	
	1	19	31	1			3	1			4	2
	5		27	1			4			1	5	
			2	1			3			2	5	
3	3	1	56	8		1	10		1	1	13	2
50	115	56	908	241	8	8	255	4	11	36	322	33
	7		11			1	1		1	1	4	4
	1		7	1						1	1	2
	1		4									
	1		43	5						3	3	
			26	7								
			8	2								1
			30	6								
			12	3								1
	3	1	47	2								
	3	1	49	2								
	16	2	237	26		1	1		1	5	8	8

b One not an employee.

TABLE X.—(b) Causes and Results of Accidents in Factories.

CAUSE. [n. e. s.—Not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.	84	2		1	20	14
Fall from machinery, trucks, engines, etc.	58	2		2	14	14
Fall caused by collapse of support	53	6	1	1	9	8
Fall through opening in floor	30	1		1	7	11
Fall in hoistway, shaft, etc.	16	2			3	
Fall on stairs, steps, etc.	15				5	3
Fall on level by slipping	45	3		3	13	18
Fall on level by tripping	40	3		3	8	12
All others	31	5		4	6	6
Total	372	24	1	15	85	86
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.)	48	8		3	9	1
Falling pile of material (lumber, coal, cement, etc.)	43	7		1	10	2
Falling walls, doors and other objects	187	41		19	67	1
Tools and weights dropped by person injured	24	5		1	13	
Falling objects dropped by other persons	17	6	1	2	4	1
Heavy materials or parts on which injured persons were at work	88	19		9	29	8
Machinery being moved	26	2		2	10	3
Fall of material from trucks in transit	29	2		4	12	1
Handling of castings, flasks, etc.	73	21		3	17	5
Handling of stone, ore, etc.	18	5		1	3	2
Handling of lumber, paper and other materials	74	12		6	18	16
Loading and unloading	76	11		5	36	8
Cause insufficiently described for classification	33	8		4	11	
Total	736	147	1	60	239	48
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.	93	1	2	20	9	
Other injuries from flying objects	34	5		15	8	
Total	127	6	2	35	17	
Vehicles and accidents caused by animals.						
	65	10		6	14	5
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.)	102	21		34	23	2
Tools in hands of fellow workmen	26	10		3	2	1
Injured while fitting and assembling, n. e. s.	19	6		5	3	2
Hand caught on nail, wire, sharp projection, etc.	52	16		22		
Hand cut on glass	9			9		
Injured by stepping on nail, silver, etc.	51	31		5	1	
Inhalation of poisonous gases	9					
All other causes	51	6	1	5	5	18
Total	319	90	1	83	34	23
GRAND TOTAL	3,402	539	228	387	580	204

b One not an

Quarries and Tunnel Construction, January-March, 1908—(Concluded).

DISABLEMENT.				Serious injuries, probably permanent.	PERMANENT DISABLEMENT.							Deaths.
Fractures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				Internal.	All others.	Total.	
					Limbs.	Hands or feet.	Fingers.	Eyes.				
12	22	3	74	5			1			1	2	3
3	15	2	52	3					2	1	3	
5	15	1	46	4						2	2	1
2	4	2	28	1					1		1	
4	3		12	1								3
1	4	2	15									
5	1	2	45									
6	2	1	35	3					1	1	2	
2	5		28	3								
40	71	13	335	20			1		4	5	10	7
.....	8	2	31	8					4	2	6	3
4	16	1	41	1						1	1	
16	22	4	170	9			2		3	1	6	2
1	1		21	3								
.....	3		17									
2	3	2	72	10			2			4	6	
2	2		21	3			1			1	2	
2	4	1	26	2			1				1	
6	8	2	62	8			2		1		3	
2	1		14	3			1				1	
4	6	3	65	3			5		1		6	
6	6	1	73	1			1		1		2	
1	4		28	4						1	1	
46	84	16	641	55			15		10	10	35	5
.....	3	32	67	19				7			7	
.....		4	32	1					1		1	
.....	3	36	99	20				7	1		8	
2	6	1	44	16			2		1	2	5	
4	1	3	88	9			3			2	5	
2	2	2	22	3						1	1	
2	1		19									
.....	1	12	51	1								
.....			9									
.....		12	49	2								
.....		8	8									1
.....		7	42	3								6
8	5	44	288	18			3			3	6	7
146	300	168	2,562	396	8	9	277	11	28	61	394	60

employee.

BUREAU OF FACTORY INSPECTION.
Table XI.—Prosecutions for Violations of the Factory Law, January–March, 1908.

OFFENSE.	NUMBER OF CASES.			RESULTS OF CASES COMPLETED.			
	Pending Jan. 1.	Begun during quarter.	Total.	CONVICTIONS.			Amount of fines.
				Cases completed in quarter.	Sentence suspended.	Fine imposed.	Dismissals or acquittals.
I. ADMINISTRATION: Interfering with deputy factory inspector in the performance of his duty	.....	1	1	1	1	.....	.....
II. SANITATION AND SAFETY: Failure to provide lights in halls, stairways or water closets.	1	6	7	4	.....	1	3
Failure to keep walls and halls clean.	1	.....	1	1	.....	.....	.....
Failure to provide water closets.	1	12	13	7	.....	.....	.....
Failure to keep water closets clean.	.....	5	5	1	.....	.....	.....
Failure to provide dressing room.	1	2	3	2	.....	2	.....
Failure to ventilate work-room.	.....	1	1	.....	.....	.....	.....
Failure to provide exhaust fans.	2	3	5	4	.....	.....	.....
Failure to keep dog out of backroom.	.....	1	1	1	.....	1	.....
Failure to guard set screw.	.....	1	1	1	.....	.....	.....
Failure to provide hand rails on stairs.	1	3	4	3	1	.....	.....
Failure to provide proper stairways.	.....	2	2	.....	.....	.....	.....
Failure to keep factory door unlocked during workday.	.....	6	6	1	1	.....	.....
III. CHILDREN: Employing children under 14	17	23	40	25	5	18	23
Employing children under 16 without board of health certificates.	38	65	103	55	16	23	39
Employing children under 16 more than 8 (or 9) hours per day.	32	35	67	46	22	15	37
Employing children under 16 after 5 p. m.	1	10	11	4	2	.....	2
Employing child under 16 at sorting rags.	1	.....	1	1	.....	1	1
Failure to keep register of children employed.	1	.....	1	.....	.....	.....	.....
IV. WOMEN AND MINORS: Employing women after 9 p. m.	1	.....	1	1	.....	.....	1
Employing girl after 6 p. m. without posting notice showing hours of labor.	1	1	1	1	1
Total	304	177	276	150	44	02	110
							42
							7
							116
							91.490

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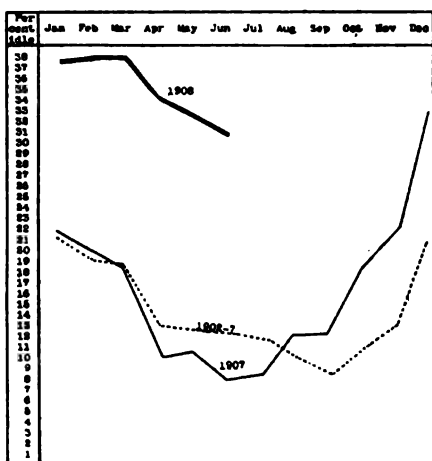
ALBANY, September, 1908

Whole No. 38

EDITORIAL SUMMARY.

The BULLETIN contains the usual returns of idleness from representative labor organizations for the first six months of the year.

The State of Employment.



In the 192 unions reporting, with about 95,000 members, the proportion of idle members which at the end of January was 36.9 per cent and the end of February and March 37.5 per cent, declined in April to 33.9 per cent, in May to 32.2 per cent and in June to 30.2 per cent. These figures indicate plainly a steady though gradual improvement in the state of employment during the second quarter of the

year for union labor. An analysis of the causes of the idleness reported shows that sickness, accident or old age remained as usual a constant factor during the period while idleness on account of strikes or lockouts was throughout only an insignificant element. Aside from these two classes of causes, idleness among organized wage workers is almost entirely due to the condition of trade as affected either by industrial depression, weather or seasonal variations in business. Improving trade conditions were, therefore, reflected in the diminishing idleness between March and June. The second quarter of the year, however, is normally one of decreasing unemployment on account of trade conditions because it is in April, May and June when those

industries, such as building and transportation, which are inevitably slackened by winter weather conditions, resume their spring and summer activity. Comparison of 1908 with previous years shows that the reduction in the percentage of idleness on account of trade conditions, i. e. exclusive of idleness due to disability or labor disputes, was this year 7.2, as compared with 9.3 in 1907, 5.8 in 1906, 7.9 in 1905, and 8.1 in 1904, or with a reduction of 7.8 in the mean percentage for the four years 1904-7. Judging by idleness among organized wage workers, therefore, there was not far from, though not quite, the usual amount of improvement in the state of employment during the second quarter of this year. It may be added that partial returns for July and August in hand as the BULLETIN goes through the press indicate that the improvement of the second quarter continued after June 30th at certainly as rapid, and apparently a more rapid rate.

* * *

**Industrial
Relations.**

April, May and June are usually the months of most frequent disturbance of industrial relations by strike or lockout. Those months this year, however, saw relatively little of such disturbance. The Bureau of Mediation and Arbitration noted only 48 disputes begun in the quarter, in which only 3,984 employees were directly concerned, as against 112 disputes, directly involving 37,650 workpeople, last year or an average for the quarter of 80 disputes and 32,000 direct participants for the five years 1903-7. Evidence of progress toward industrial peace in the three months ended August 31st, is presented by the BULLETIN in reports of 15 cases of mediation by the State Bureau of Mediation and Arbitration in strikes and lockouts, three of which were immediately successful; in a successful arbitration by the Bureau of another dispute; in two successful arbitrations by private agencies; and in a list of 94 joint trade agreements entered into this year which were received by the Bureau of Mediation and Arbitration.

**Factory
Inspection.**

The number of regular inspections by the Bureau of Factory Inspection in the second quarter of this year (13,027) was just about the same as in the corresponding period of 1907. There were fewer inspections of "factories" this years but more of licensed tenement buildings, with inspections of laundries, bakeries, mines and quarries about the same. There was a great increase over last year, however, in amount of special work done by deputy factory inspectors, the number of investigations "on special orders" being more than treble the number last year. A part of this increase was due to an extraordinarily large number of complaints relative to the eight-hour law for public work. Prosecutions to enforce the factory law were unprecedented in number exceeding the record figures of the first quarter. New actions to the number of 180 were begun which together with 116 which were pending at the close of March makes a total of 296 before the courts in the quarter. Convictions were secured in 169 cases, in 84 of which fines were imposed, sentence being suspended in 85. Fifty-two other cases were completed, four being withdrawn while 48 resulted in dismissal of complaint or acquittal.

* * *

**Immigration
and
Emigration.**

It is impossible to measure the movement of aliens to and from this state exactly but it is certain that the bulk of that movement is included, in roughly constant proportion, in the flow of aliens through the state's great metropolitan port. In the second quarter of this year, as in the first there was an excess of emigration over immigration at the Port of New York. How tremendous a change has occurred in the stream of immigration may be seen by the fact that in the second quarter of 1907 alien arrivals at the Port of New York numbered over a third of a million, while departures were insignificant in number. Nevertheless the net outward movement in the second quarter of this year was comparatively small, amounting to only 15,185, and this was considerably less than the excess of departures in the first quarter which was 26,971. About all that can be said at present, therefore, is that the immigration problem has for the time being, ceased to grow. The problem which has been created by the

great inflow which has continued for years still presses for consideration as before. No more important step in connection with that problem has ever been taken in this state than the investigation into the condition of aliens in this state which is now being prosecuted by the special commission which was provided for by the legislature last winter and which was appointed by Governor Hughes on July 15. The notable personnel of the commission, which includes a number of prominent social reform workers and practically every member of which may fairly be termed an expert by virtue of practical experience with some phase of the problem, gives every promise of valuable results from its investigations.

* * *

**Accidents
and
Employers' Liability.** One marked effect of the industrial depression of this year has been a reduction in the number of accidental injuries to working-people, since so many, through unemployment, have been beyond the reach of the usual risks of their occupations. The number of accidents reported to the Bureau of Factory Inspection during April, May and June numbered 3,248 as compared with 4,966 in the same months of 1907 when trade was highly active. The BULLETIN's usual record of court decisions touching employers' liability for accidents to their employees contains the first Appellate Division decision under the Railway Liability Act of 1906, which well illustrates the far reaching effect of that law. According to the majority opinion in this case a watchman whose duty it is to warn track workmen of the approach of trains, who without the act of 1906 would be only a fellow servant of the workmen, is by that law made a vice-principal of the employer since he is one who "has control or direction of the movement of a signal," as specified in the act.

* * *

**Localization
of
Industry.** The BULLETIN contains a somewhat extended study of The Causes of Congestion of Manufactures in New York City by former Commissioner of Labor P. Tecumseh Sherman. This study was prompted by one of the exhibits at the Exhibition of Congestion of Population in New York City which was held last spring.

THE STATE OF EMPLOYMENT.

The usual returns as to unemployment during the first six months of the year based on monthly reports from representative labor organizations are summarized in Tables I to III of the Appendix.

In the 192 representative unions reporting, which at the end of March had nearly 95,000 members, or about 24 per cent of the trade unionists in the state, the proportion of idle members, which at the end of January was 36.9 per cent and at the end of February and March 37.5 per cent, declined in April to 33.9 per cent, in May to 32.2 per cent and in June to 30.2 per cent. These figures indicate plainly a steady though gradual improvement in the state of employment during the second quarter of the year for union labor as a whole.

To determine the true significance of this declining percentage of idleness it is necessary first of all to note the different causes of the unemployment reported to ascertain what particular kinds of idleness were diminishing. For this purpose the following summary may be considered.

NUMBER OF MEMBERS OF REPRESENTATIVE UNIONS REPORTED IDLE ON ACCOUNT OF—

MONTH.	Labor disputes.	Disability.	All other reasons.
January.....	351	1,362	33,971
February.....	276	1,319	34,329
March.....	268	1,202	33,966
April.....	336	1,307	30,313
May.....	180	1,311	28,661
June.....	147	1,274	26,592

This table serves to eliminate at once disability (sickness, accident, etc.), or labor disputes as causes having any controlling influence on the decreased idleness during the second quarter. Disability appears, as usual, as a steady influence upon amount of idleness. The numbers idle on account of strikes or lockouts are insignificant throughout the six months. Practically all of the decrease in numbers idle appears, therefore, under "all other causes." The idleness represented under this caption is practically the idleness due to the condition of trade as affected either

by industrial depression, weather or seasonal variations in business. Thus in the last five years out of an average of 84.5 per cent of idleness at the end of March due to "all other causes" only 3.2 per cent was due to causes unconnected with the condition of trade.¹ Improving trade conditions were, therefore, the cause of the diminishing idleness in April, May and June.

But except when strikes or lockouts come in to interrupt the usual course the second quarter of the year is normally a period of decreasing unemployment since it is in April, May and June when the industries which are inevitably interrupted by winter weather conditions, especially the building and transportation trades, resume their spring and summer activity. It becomes important therefore to consider how this year's improvement compares with that of other years. This may be seen for general results in the following table:

NUMBER AND PORPORTION OF ORGANIZED WAGE WORKERS IDLE.

END OF—	No. of Members Thereof		PERCENTAGE IDLE.							
	unions. reporting.	idle.	1908.	1907.	1906.	1905.	1904.	1903.	1902.	1902-7
January....	192 96,792	35,329	36.9	21.5	15.0	22.5	25.8	20.5	20.9	21.0
February..	192 95,696	35,924	37.5	20.1	15.3	19.4	21.6	17.8	18.7	18.8
March.....	192 94,542	35,436	37.5	18.3	11.6	19.2	27.1	17.6	17.3	18.5
April.....	192 94,148	31,956	33.9	10.1	7.3	11.8	17.0	17.3	15.3	13.1
May.....	192 93,532	30,152	32.2	10.5	7.0	8.3	15.9	20.2	14.0	12.7
June.....	192 92,814	28,013	30.2	8.1	6.3	9.1	13.7	23.1	14.5	12.5
Mean...	.....	.....	34.7	14.7	10.4	15.1	20.2	19.4	16.8	16.1

It will be seen that the amount of reduction in the percentage of idleness between March and June this year (— 7.3), is greater than the reduction (— 6) in the mean percentage for the years 1902–7. In comparison with individual years, however, various results appear. Thus for example, 1908 shows a larger reduction than 1906 but smaller than either 1907 or 1905. It has already been suggested that labor disputes are a disturbing factor in the returns as a whole for any consideration of the amount of idleness due to trade conditions. A more accurate comparison is afforded, therefore, by the following figures from which idleness due to strikes and lockouts or to disability, the only two important causes aside from trade conditions, is excluded.

¹See June Bulletin, p. 136.

PERCENTAGE IDLE FOR "ALL OTHER REASONS" (TRADE CONDITIONS).

END OF—	1908.	1907.	1906.	1905.	1904.	1904-7*
January.....	35.1	19.0	11.8	18.0	22.0	17.7
February.....	35.9	17.4	12.4	15.3	18.7	16.0
March.....	35.9	15.5	9.0	14.6	18.9	14.5
April.....	32.2	8.5	5.0	8.2	12.7	8.6
May.....	30.6	7.7	4.1	5.9	10.9	7.2
June.....	28.7	6.2	3.2	6.7	10.8	6.7
Mean.....	33.0	12.4	7.6	11.5	15.7	11.8

Here is to be seen a reduction in the percentage of idleness due to trade conditions during the second quarter of the year of 7.2 in 1908 as compared with 9.3 in 1907, 5.8 in 1906, 7.9 in 1905, and 8.1 in 1904, or with a reduction of 7.8 in the mean percentage for the four years 1904-7. Judging by idleness among organized wage workers, therefore, there was not far from, though not quite, the usual amount of improvement in the state of employment during the second quarter of this year. Of course, with no greater improvement this year, 1908 compares with other recent years just as unfavorably at the end of June as it did in March, as is perfectly evident in the above tables. At the same time it is proper to note here that partial returns for July and August in hand as this BULLETIN goes through the press indicate that the improvement of the second quarter was continued after June at certainly as rapid a rate and apparently at an increased rate of speed.

Conditions during the second quarter varied considerably in different industries as the following table shows:

PERCENTAGE OF UNEMPLOYED MEMBERS OF LABOR ORGANIZATIONS IN EACH INDUSTRY AT THE END OF—

GROUPS OF TRADES.	Jan.	Feb.	Mar.	April.	May.	June.	Mean for six mos.
I. Building, stone working, etc.:							
1902.....	33.6	34.3	23.5	19.1	13.3	14.1	23.0
1903.....	23.5	20.4	21.6	23.8	37.3	44.9	28.6
1904.....	38.3	31.2	42.6	12.8	9.3	11.9	24.4
1905.....	41.5	32.6	31.8	18.8	12.8	12.7	25.0
1906.....	14.3	16.4	9.4	6.7	7.6	6.4	10.1
1907.....	40.4	36.1	32.5	17.7	14.9	10.7	25.4
1908.....	55.6	56.3	53.6	42.2	38.3	36.3	47.0
II. Transportation:							
1902.....	23.7	26.2	20.3	8.8	15.9	14.6	18.3
1903.....	38.6	38.0	33.0	14.4	6.4	7.0	22.9
1904.....	40.6	37.7	42.1	33.2	35.3	7.7	32.8
1905.....	30.8	26.4	25.5	13.7	6.3	6.6	18.2
1906.....	32.6	29.8	23.6	4.2	4.3	5.9	16.7
1907.....	28.2	26.5	25.3	5.1	9.2	6.3	16.8
1908.....	40.7	38.3	40.6	37.2	36.1	32.4	37.2

PERCENTAGE OF UNEMPLOYED MEMBERS OF LABOR ORGANIZATIONS IN EACH INDUSTRY AT
THE END OF—

GROUP OF TRADES.	Jan.	Feb.	Mar.	April.	May.	June.	Mean for six mos.
III. Clothing and textiles:							
1902.....	19.2	5.4	21.4	27.6	29.1	28.3	21.8
1903.....	19.3	20.9	22.3	27.2	29.0	22.4	23.5
1904.....	30.0	20.5	28.3	39.4	35.7	38.4	32.1
1905.....	15.2	12.8	16.3	11.3	7.3	10.2	12.2
1906.....	8.1	12.5	10.2	9.4	10.4	5.3	9.3
1907.....	5.4	9.2	6.5	8.2	10.8	8.2	8.1
1908.....	44.1	43.9	46.8	49.6	48.6	45.2	46.4
IV. Metals, machinery, shipbuilding:							
1902†.....	7.5	7.2	4.7	2.2	2.7	3.2	4.6
1903.....	13.6	6.7	5.7	5.8	7.2	9.0	8.0
1904.....	13.7	13.8	13.0	13.3	16.1	14.7	14.1
1905.....	9.4	7.9	6.2	4.1	4.6	4.2	6.1
1906.....	7.1	5.1	5.4	4.5	4.7	4.8	5.3
1907.....	5.5	5.6	3.7	4.5	4.9	4.4	4.8
1908.....	30.1	35.0	32.4	37.4	35.3	31.9	33.7
V. Printing, binding, etc.:							
1902.....	12.2	12.9	14.7	13.2	9.2	12.9	12.5
1903.....	13.2	11.5	10.8	13.4	12.1	11.8	12.1
1904.....	15.0	11.0	16.0	10.4	11.3	12.4	12.7
1905.....	7.3	7.3	7.2	8.6	8.6	13.8	8.5
1906.....	19.6	18.9	18.1	17.0	16.9	16.3	17.8
1907.....	12.9	12.8	13.1	11.5	11.6	11.5	12.2
1908.....	21.2	21.7	21.8	21.7	22.3	21.6	21.7
VI. Wood working and furniture:							
1902.....	32.6	35.1	19.0	19.3	14.2	14.8	22.5
1903.....	27.2	25.5	35.3	38.8	18.3	38.2	30.6
1904.....	37.0	33.7	34.4	27.0	26.3	28.7	31.2
1905.....	24.8	33.0	34.1	21.1	14.7	9.3	22.8
1906.....	14.5	13.2	13.2	15.3	11.9	10.8	13.2
1907.....	19.7	15.4	16.8	18.4	20.2	17.0	17.9
1908.....	39.3	46.1	41.7	38.8	37.5	36.7	40.0
VII. Food and liquors:							
1902.....	8.2	7.5	8.0	8.4	5.2	5.4	7.1
1903.....	10.9	8.2	7.1	9.0	5.6	5.7	7.8
1904.....	6.3	7.2	6.6	7.2	7.1	5.8	6.7
1905.....	9.3	9.7	8.4	7.7	6.6	5.8	7.9
1906.....	7.4	6.9	6.0	16.9	7.5	5.2	8.3
1907.....	8.2	8.7	7.4	5.2	5.4	5.6	6.8
1908.....	11.4	10.6	11.7	10.8	11.0	10.8	11.0
VIII. Theaters and music:							
1902.....	13.4	13.0	9.6	5.2	0.2	17.5	9.8
1903.....	20.4	4.3	1.8	16.9	28.1	27.5	16.5
1904.....	9.9	9.2	11.3	13.1	12.5	15.6	11.9
1905.....	12.4	13.1	12.2	8.6	10.5	15.8	12.1
1906.....	7.6	4.9	6.1	4.8	5.2	4.8	5.6
1907.....	3.0	3.0	7.1	10.8	11.3	15.3	8.4
1908.....	4.6	4.8	5.1	10.0	40.9	43.2	18.1
IX. Tobacco:							
1902.....	4.4	4.3	4.7	8.8	4.6	4.6	5.2
1903.....	5.0	4.7	3.8	5.5	4.6	4.4	4.7
1904.....	5.6	7.7	7.9	10.5	7.4	8.7	8.0
1905.....	5.6	6.0	6.6	8.4	5.2	3.6	5.9
1906.....	4.7	8.8	6.9	4.8	3.7	3.3	5.4
1907.....	5.4	5.7	4.3	4.9	10.7	8.5	6.6
1908.....	12.9	16.4	14.7	18.3	12.9	9.1	14.0

* Includes Group XII.

PERCENTAGE OF UNEMPLOYED MEMBERS OF LABOR ORGANIZATIONS IN EACH INDUSTRY AT
THE END OF—

GROUP OF TRADES.	Jan.	Feb.	Mar.	April.	May.	June.	Mean for six mos.
X. Restaurants and trade:							
1902.....	6.9	6.4	4.0	10.5	3.2	2.5	5.6
1903.....	9.4	6.9	8.0	6.1	3.3	4.9	6.4
1904.....	9.6	9.9	8.0	7.7	5.1	3.1	7.2
1905.....	7.7	9.5	8.5	4.1	3.6	3.8	6.2
1906.....	8.1	8.8	5.5	5.1	3.9	3.6	5.8
1907.....	3.4	6.0	4.2	5.7	4.9	3.1	4.5
1908.....	8.6	9.4	17.3	12.6	10.6	11.6	11.7
XI. Public employment:							
1902.....	3.7	3.8	2.2	1.8	2.0	6.6	3.4
1903.....	2.8	3.9	3.1	3.1	2.3	4.2	3.2
1904.....	11.5	11.9	6.9	6.8	7.3	8.2	8.8
1905.....	6.1	4.9	7.4	7.0	5.9	8.3	6.6
1906.....	4.7	4.1	2.5	3.3	2.4	1.8	3.1
1907.....	2.5	2.1	1.7	1.4	1.7	0.7	1.7
1908.....	1.6	1.1	1.4	1.1	1.0	0.7	1.1
XII. Stationary engine tending:							
1902.....	*	*	*	*	*	*	*
1903.....	3.7	4.3	3.8	3.0	3.6	3.2	3.6
1904.....	3.5	3.2	3.5	2.4	3.3	4.6	3.4
1905.....	1.6	1.6	1.1	2.8	2.8	3.1	2.2
1906.....	2.2	1.8	1.6	2.5	2.0	1.7	2.0
1907.....	1.3	1.8	1.5	2.6	1.0	1.3	1.6
1908.....	3.4	3.3	3.4	3.2	2.5	3.1	3.1
XIII. Miscellaneous:							
1902.....	32.0	24.6	8.7	0.0	0.0	0.0	10.9
1903.....	18.1	8.1	0.2	6.0	13.1	23.2	11.4
1904.....	10.2	3.9	5.2	3.3	3.0	2.9	4.7
1905.....	4.5	6.7	7.2	3.8	3.5	5.0	5.1
1906.....	3.9	3.0	2.6	2.6	2.2	2.0	2.7
1907.....	3.5	5.8	3.2	2.6	2.8	4.2	3.7
1908.....	11.0	17.4	26.9	27.1	16.3	25.5	20.7

In the building industry, which contains about one-third of the union members in the state and not far from twice as many as any other industry, the proportion of idleness decreased from 56.3 per cent in February to 36.3 at the end of June, a larger improvement than appears in any other trade group. Table III of the Appendix shows that in the building industry the percentage of idleness in New York City building trade unions was 41.1, as compared with 36.3 for the state as a whole indicating that at the middle of the year conditions in the metropolis remained as they have been for some time past worse than in the remainder of the State. The statistics of building operations furnished by the building authorities in certain leading cities (see Appendix, Table IV) indicate, however, heavy curtailment of projected

* Included in Group IV.

building work in the second quarter in Buffalo, Rochester and Syracuse as well as in New York City. In the case of New York City there is a notable contrast between Manhattan and the other boroughs, in that the estimated cost of new buildings in that borough equalled last year's figures for the same quarter, while in the other boroughs, notably Brooklyn, a heavy decrease is shown. Projected mercantile or similar buildings comparatively few in number but of large cost account for this result in Manhattan rather than tenement building operations which were far below last year's record. In the transportation trades the highest percentage of idleness during the first six months, except for January, appears in March (40.6), after which there was a steady decline to 32.4 at the end of June. The principal element in this high percentage for June is found to be the enormous proportion for this time of year of 73.1 per cent in the navigation trades caused by this year's extraordinary stagnation in the lake carrying trade. Outside of navigation the transportation trades show a percentage of idleness of 16.7 at the end of June, instead of 32.4 for the group including navigation. The clothing trades reveal a decrease in the percentage of unemployment during May and June from 49.6 at the end of April to 45.2 at the close of June. This decrease is somewhat more notable than its actual amount would indicate in view of the fact that it occurred in months which are usually a slack season in many of the clothing trades. It still leaves the clothing industry at the end of June, however, with a higher percentage of idleness than any other.

In the metal trades the returns show very nearly as high a percentage of unemployment at the end of June as in March. But the highest point was reached in April, and distinct declines appear in each of the next two months.

In the case of the printing trades, and in food and liquors also, the second quarter shows practically the same conditions as the first. Both these industries had notably less idleness in the first quarter than most of the others. The wood working and furniture trades show a gradual but steady improvement during the second quarter. The tobacco trades show no sustained downward

tendency until after April, but in May and June marked decreases of idleness appear, leaving a percentage for June of this year not much in excess of that of last year. In restaurants and trade idleness decreased distinctly in April and May but increased slightly in June, and the same is true in lesser degree of stationary engine men. Of all the groups of trades only one, the comparatively unimportant theatrical and musical trades, shows a continuously upward tendency in the percentage of idleness in the second quarter and the increase here is to be laid to a large extent to the regular closed theater season.

It was noted above that in the building trades a greater proportion of idleness at the end of June appeared in New York City than in the remainder of the State. The same statement holds for all industries combined, the percentage for New York City being 33.3 as compared with 30.2 for the entire State. Table III of the Appendix shows the proportion of idleness at the end of June in the metropolis for each industry or group of trades. In the following table may be seen a comparison for New York City of this year with previous years for the combined industries:

IDLENESS IN REPRESENTATIVE NEW YORK CITY UNIONS AT THE END OF JUNE.

YEAR.	Unions.	Members reporting.	THEREOF IDLE.		IDLE ON ACCOUNT OF—		
			Number.	Per cent.	Labor disputes.	Disability.	All other reasons.
1903.....	77	68,566	21,443	31.0	15,296	.....	.....
1904.....	*	66,629	11,250	16.9	1,349	.....	.....
1905.....	85	64,294	7,149	11.1	1,005	756	5,383
1906.....	87	61,946	4,186	6.8	1,315	598	2,273
1907.....	89	64,117	6,421	10.0	567	781	5,073
1908.....	92	62,498	20,804	33.3	129	808	19,867

* Not reported.

INDUSTRIAL RELATIONS IN NEW YORK

Statistics of Disputes in April, May and June.

The records of the Bureau of Mediation and Arbitration show that 48 new disputes began in the second quarter of 1908. In these disputes 3,984 workmen were directly involved and 442 others not on strike were thrown out of work. Those directly concerned lost 57,733 days during the quarter and those indirectly affected lost 6,284 days. Adding to these amounts 7,016 days lost during this quarter in strikes begun before April 1, the total amount of working time lost during April, May and June is found to be 71,033 days. Comparing this figure with the second quarter of last year when 869,000 working days were lost, on account of strikes it will be seen how relatively slight the stoppage of work caused by strikes has been this quarter as compared with last.

A glance at the figures showing the number of strikes and number of participants also reveals the great decrease in absolute number of strikes as well as in number of persons involved:

	SECOND QUARTER.					
	1908.	1907.	1906.	1905.	1904.	1903.
Number of new disputes.....	48	112	94	56	43	97
Employees directly concerned:						
Total.....	3,984	37,650	27,010	15,991	39,000	40,699
Average per dispute.....	83.0	336.2	287.3	285.6	907.0	419.6

The important new disputes of the quarter, that is, those which caused the loss of as much as 2,000 days working time within the quarter numbered 8 as compared with 28 in the same period of last year. In the following table the principal facts concerning these disputes are set forth. The most important disputes of the quarter were those of the scow trimmers in New York City, in which 310 workmen struck to resist a reduction in wages, and that of the New York City children's jacket makers, which involved 500 hands and caused a loss of 14,000 work days:

LOCALITY.	Trade.	Date.	EMPLOYEES AFFECTED.		Aggre- gate days lost.
			Di- rectly.	Indi- rectly.	
New York City...	Scow trimmers.....	April 21-June 20.....	310	.....	16,430
New York City...	Jacket makers.....	June 15-July 16.....	500	.....	14,000
Poughkeepsie...	Carpenters.....	May 1.....	225	100	8,450
Port Washington.	Laborers.....	May 14-June 15.....	240	.....	6,720
Rochester.....	Electricians.....	April 23-June 30.....	100	10	5,830
Dunkirk.....	Molders.....	June 3-20.....	114	189	4,848
New York City...	Sheet metal workers.	May 7-14.....	350	.....	2,450
New York City...	Coal teamsters.....	May 14-27.....	243	.....	2,367

Classification of the disputes of the quarter by causes shows that, as usual, wage questions were the most frequent cause of friction accounting for just one-third of the strikes of the quarter. Disputes on questions of trades unionism (which includes the "open shop" question), were second in importance, being the cause of thirteen strikes directly involving 1,132 workpeople.

CAUSE OR OBJECT.	NUMBER OF DISPUTES.					Employees directly concerned.
	WON BY—		Com- promised.	Pending or not reported.	Total.	
	Workers.	Employers.				
Increase of wages.....	3	13	.....	.....	16	1,281
Reduction of wages.....	2	.....	1	.....	3	559
Longer hours.....	1	.....	.....	.....	1	500
Trade unionism.....	5	5	2	1	13	1,132
Particular persons or classes...	5	.....	.....	.....	5	136
Working arrangements.....	2	.....	.....	.....	2	81
Payment of wages.....	2	.....	.....	.....	2	68
Sympathetic.....	1	2	1	.....	4	138
Miscellaneous.....	.....	2	.....	.....	2	89
Total.....	21	22	4	1	48	.....
Employees directly concerned.	2,225	993	541	225	....	3,984

In respect of results, the balance is perhaps a trifle in favor of the workpeople. Of the 48 disputes of the quarter the employers were successful in 22 cases, the employees in 21 cases, and in 4 instances the dispute was compromised. A glance at the number of employees concerned in these disputes shows, however, that more of the larger disputes were won by the workers than the employers.

Intervention by Bureau of Mediation and Arbitration.**SUMMARY FOR JUNE, JULY, AUGUST.**

The Bureau of Mediation and Arbitration reports intervention in sixteen disputes during the three months ended August 31st. Intervention before strike or lockout occurred in one case and request for intervention in the first instance was received from one or other of the parties in dispute in two cases. In one of the latter instances the parties to a dispute over piece prices in the Brooklyn shoe industry brought a request to the Bureau for an umpire to arbitrate the case, which was successfully done by a representative of the Bureau. This is the second instance of this kind within a year, both in the same industry and locality, but in different firms. The case is recounted in full in following pages. In addition to this case there were three others in which the Bureau's representatives by conciliatory efforts were immediately successful in bringing about settlements. Following are brief synopses of the interventions of the period:

Albany: 75 freight handlers employed by one steamboat company struck August 1 for increase in pay. Bureau intervened same day; superintendent refused to meet committee of strikers having already filled their places.

Albany: 40 laborers employed on State Educational Building struck July 31. Bureau intervened on following day and found that the Bureau of Factory Inspection was investigating an alleged violation of the Labor Law in regard to hours and wages. The complaint was sustained by the latter Bureau and the law enforced on August 3 removing the cause of the strike.

Bellmore: 40 laborers employed by one contractor struck June 22 because a local grocer refused to reduce the price of macaroni. Bureau intervened July 17 but strikers had left town, their places having been filled.

Mt. Vernon, New Rochelle and Tuckahoe street railway employees numbering 170 struck July 23 to enforce a demand that a certain superintendent be retained. Bureau intervened the same day and submitted a proposal to the union to return to work and submit the matter in dispute to the State Board of Mediation and Arbitration. Before the proposition was considered, however, the men returned to work on the advice of the superintendent after having been out 11 hours.

New York City: Shoe cutters. (See account of arbitration below.)

New York City: 243 coal teamsters employed by 13 concerns struck May 14 for increase of wages. Bureau intervened May 19; employees agreed either to arbitrate the dispute or confer with employers. The employers, however, refused to do either. Part of the men returned to work; the places of others were filled with new hands.

New York City (Brooklyn): 1,000 jacket makers employed by 40 firms struck July 1 against increase in hours and for renewal of agreement. Bureau intervened July 7 and found that contractors were signing union agreement.

New York City (Manhattan): 2,000 jacket makers employed by 52 firms struck July 1 against increase of hours and for renewal of agreement. Bureau intervened July 13 but found negotiations for settlement in progress between employers and the union attorney.

New York City: 500 jacket makers employed by 41 firms struck June 15 against an increase in hours of labor. Bureau intervened June 22; union representative agreed to meet employers but latter stated they had nothing to arbitrate; parties themselves after an unsuccessful arbitration of their own arranging finally came to an agreement on July 15.

New York City: 310 scow trimmers employed by one contractor struck April 21 against reduction in wages and to compel payment of wages due. The Bureau intervened April 22 and subsequently sub-contractors refused to pay wages due men and suit was brought to recover the same. On May 13 and 14 conferences were arranged by the Bureau between representatives of the parties, but they failed to reach an agreement and the contract was forfeited; new contractor and union on June 10 reached an agreement, in negotiation of which Bureau's representatives assisted.

New York City: 150 shirt makers employed by 12 contractors struck on August 10 for an increase in wages. Bureau intervened August 11 and proposed that the employees confer with their employers but found that negotiations were already in progress. Strike terminated August 14.

New York City: 70 tile layers, cement masons and others employed on the Williamsburg bridge struck to force contractor to employ union laborers; Bureau intervened June 15; conference between the disputants was arranged June 16 but the parties failed to reach an agreement. Strikers returned to work June 24.

New York City: 13 upholsterers in one factory struck February 13 against a reduction in wages. Bureau intervened March 13; superintendent refused to meet committee of strikers stating that their places had been filled.

New York City: 85 white goods makers employed in one factory struck August 13 against certain shop rules. Bureau intervened August 17 and arranged a conference of the representatives of the disputants but they failed to reach a settlement. On August 19, at the request of the employer the Bureau again arranged a conference between the employer and representatives of the employees and of the Board of Mediation and Arbitration. This conference resulted in a settlement of the differences.

Port Washington: 240 laborers employed by three contractors struck May 14 for an increase in wages. Bureau intervened June 1 and thereafter arranged a meeting of the representatives of the disputants which resulted in a settlement of the dispute on June 22.

Walden: 56 pocket knife blade grinders and finishers struck in April, 1904, and the strikers' places were filled with new hands. On August 11, this year, at the request of the union a representative of the Bureau conferred with the union but on account of lack of work at the factory postponed intervention.

ARBITRATION BY STATE BUREAU.

On July 8 the business agent of Shoe Cutters L. A. 1553, K. of L. of Brooklyn Borough, New York City, called at the New York City office of the Bureau and asked that a representative of the Bureau should act as umpire in a dispute between members of the union and the John J. Lattemann Shoe Manufacturing Company, which employs 320 hands, over prices on two new patterns. Industrial Mediator M. J. Reagan offered his services and they were accepted, July 14 being set as date for first hearing of the parties. On July 27th, the following decision was rendered:

NEW YORK CITY, July 27, 1908.

Messrs. Alfred E. Owens and Lewis Mertz, representing the John J. Lattemann Shoe Manufacturing Co., Brooklyn, N. Y., D. A. Duhig and W. A. Henry, for Shoe Cutters:

GENTLEMEN: Having been agreed upon by you collectively to act as arbitrator as to the prices to be paid for cutting shoes by pattern marked as Exhibit A, and prices to be paid for cutting tips by pattern marked as Exhibit C, I hereby render the following decisions:

Cutting Shoes From Patterns Marked Exhibit A.

The price paid by the firm for cutting shoes from these patterns is 5½ cents per pair, and the shoe cutters ask that they be granted 6 cents per pair for cutting same.

After having carefully compared the prices paid and the labor necessary to be performed on several of the exhibits of patterns presented by both the firm and the shoe cutters' representatives, I find this particular pattern marked Exhibit A contains a number of additional difficult angles which would naturally take more time in the arrangement of patterns on the skins and the cutting of same and correspondingly reduce the earning capacity of the cutter. Therefore I do not consider that the increase asked for to be unreasonable.

The price to be paid for cutting shoes by pattern marked Exhibit A shall be 6 cents per pair.

Wing Tip Patterns — Exhibit C.

From all the evidence and exhibits presented and price to be paid for this pattern I feel that the price asked is somewhat out of keeping with the amount of extra labor to be performed in cutting pattern marked Exhibit D for which ½ cent per pair is now paid, and the new pattern marked Exhibit C for which 1 cent per pair is asked. However, I have reached the conclusion that the cutter is entitled to some compensation owing to the difference in the outline of this pattern marked Exhibit C as compared with patterns marked Exhibit D.

The price to be paid for this pattern marked Exhibit C shall be ¾ cent per pair.

(Signed) MICHAEL J. REAGAN.

This award was accepted by both parties as shown by the following letters:

BROOKLYN, N. Y., August 7, 1908.

Mr. MICHAEL J. REAGAN, *Department of Labor, New York:*

DEAR SIR.—We beg to acknowledge receipt of your communication of July 27th, addressed to our Mr. Owens and which awaited his return from a brief vacation, and acknowledge decisions you would have arrived at, although they are not in conformity with our ideas as expressed. We feel quite certain, however, that you would have used your best judgment with the facts that were presented, and there is therefore no hesitation on our part in accepting them as final, and as being entirely satisfactory for the reason expressed above, and it would be our pleasure at any time in the future to submit similar matters for a decision in the same manner.

Please accept the kind regards of the writer, and believe us,

Very sincerely yours,

(Signed) J. J. LATTEMANN SHOE MFG. CO..

ALFRED E. OWENS,

General Manager.

BROOKLYN, N. Y., August 10, 1908.

Mr. M. J. REAGAN, *Industrial Mediator, Department of Labor, Sub-office, 114 E. 28th St., New York City:*

DEAR SIR.—Yours of July 27th received informing me of your decision in the matter of the John J. Lattemann Shoe Co. and the above named Association. Your decision we consider fair and just to both parties, and allow me to thank you in behalf of the members of this Association for the fairness contained therein, and I will take great pleasure in recommending you to any labor organization who have a difference of opinion with their employers. I would like to say that it is my honest opinion if employer and employees would submit their grievances to your Board for adjustment we would have less labor trouble, and a better feeling between capital and labor. Thanking you, I beg to remain,

Respectfully yours,
(Signed) DENNIS A. DUNIG,
Business Agent.

Arbitration by Private Agencies.

ARBITRATION BETWEEN NEW YORK CITY PRESS FEEDERS AND PRINTERS' LEAGUE.

In the March BULLETIN was noted the successful negotiation of joint trade agreements between the Printers' League of New York City and the unions of compositors and pressmen. A preliminary agreement with the press feeders was there published also, in connection with which it was noted that the negotiation of a general agreement with the feeders was under way, certain disputed points being in process of arbitration. In July this arbitration was finally completed so that now the League, which is a book and job printers' organization, has general agreements with the unions in all three of the principal trades of the industry.

The following documents contain the existing contract with the feeders.¹ The first is the agreement which it was decided to adopt in November, 1907, leaving three points therein, as indicated by stars, to be settled later. These three points were left to an arbitration board composed of Messrs. Little, Carey and Hennessey for the league and Messrs. Moran, Coates and Cameron for the union with Mr. James J. Murphy, president of Typographical Union No. 6 as final arbitrator. The second document contains the decisions on the three disputed points. The first two of these were settled by the joint conference committee, without recourse to an umpire but the third could not

¹ The agreements with the compositors and pressmen were published in the March BULLETIN.

be agreed upon and went to the umpire, whose decision thereon represents a compromise, the employers gaining their contention for one man to two machines but with an increase of \$2.50 per week in the wage scale gained by the union. The decision is said to have been not entirely satisfactory to either side but has nevertheless been accepted as indicated by the agreement below in which it is embodied:

Printers' League of America, New York Branch, Scale of Wages and Shop Rules in effect November 18, 1907. Subject to ratification by the bodies of Franklin Association No. 23 (I. P. P. & A. U. of N. A.), and Printers' League of America, New York Branch.

The following agreement, entered into this 15th day of November, 1907, between the Printers' League of America (New York Branch) and Franklin Association No. 23, in accordance with agreements now existing between said bodies, shall be known as the "Printers' League Scale."

The following scale of wages and hours of labor and shop practices shall become operative on November 18, 1907.

Provided: It is mutually understood and agreed that hereafter no strike or lockout shall take place; but that any claimed infraction of this Agreement, or any other grievance, shall be submitted to arbitration, as provided by the principles of the Printers' League of America. Also that all members of the Printers' League of America shall be conceded as good terms—or better—in wages and hours as those conceded to any other printing office in the jurisdiction of the local bodies.

That on and after November 18, 1907, the Feeders' scale of wages as in force since July 1, 1907, shall continue \$16.00 per week of 48 hours. Offices to be privileged to work six hours overtime per week, not more than one hour in any one day, at the rate of 35 cents per hour. Any overtime beyond the stated six hours to be paid for at the rate of price and one-half of scale. This scale of wages to continue to January 1, 1909.

On all other positions, pay and overtime in accordance with existing conditions.

It is also understood that offices may employ a second shift at the same rate of wages and conditions, except that said second shift is to work but 45 hours per week. When possible, the 45 hours to be worked in five nights of nine hours each. Such arrangement for the working time of the two shifts may be made that is mutually acceptable to the employer and employee. Total time covered to be between 7.30 A. M. and 4 A. M.

Overtime until 12.00 P. M. shall be paid for at the rate of time and one-half (this clause referring only to the first shift), computed according to the scale; after midnight, Sundays and legal holidays double time; overtime on Sundays and legal holidays shall be the same as day scale for Sundays and legal holidays.

* Feeders working on the second shift for three nights or less shall be paid 35 cents over the scale for any such night worked. This is to apply to extra hands only.

It is mutually requested that no feeder receiving above the scale shall be reduced to the minimum on account of the establishing of the eight-hour day.

No member shall be allowed to work less than one day after starting a day's work, unless discharged for incompetency.

Shop Practices.

No eating between hours. By this is understood sending for lunch at hours other than those regularly designated.

Presses to be started at the appointed time. Workmen to be ready to proceed when the whistle blows or bell rings, not merely on the premises,

*Not agreed upon; left for future reference.

but actually ready to go to work, and run presses up to the ringing of the bell or blowing of the whistle.

Representatives from Unions must not enter pressrooms without permission from the employer or manager.

Apprentices.

* One apprentice to each office carrying four feeders, and up to six feeders or a majority fraction thereof; not more than five apprentice feeders to any one office. Said apprentice to be registered by both the Printers' League of America and Franklin Association No. 23; and no apprentice shall be given a full card by Franklin Association No. 23 until after the fourth year of his apprenticeship, unless by mutual consent of both contracting parties herein mentioned. The minimum wages for apprentices shall be as follows: First year, \$8.00; second year, \$10.00; third year, \$12.00; fourth year, \$14.00; end of fourth year, \$16.00.

Feeders to be allowed to match on overlays on press.

To change from one press to another at the option of the foreman. Provided the number of feeders employed is equal to the number of presses in actual work in the plant.

To help patching up on any press when called upon.

* One feeder to two automatic feeding machines.

The above agreement having been duly ratified by both the Printers' League of America (New York Branch) and Franklin Association No. 23 is hereby signed for those two bodies by

For the League.

Charles Francis, *President*; Henry W. Cherouny, *Vice-President*;
Wm. H. VanWort, *Recording Secretary*; J. Wm. Walker,
Chairman of Committee of Pressmen's and Feeders' Agreements.

For Franklin Association.

Thomas Moran, *President*; Walter J. Coates, George McMahon,
Wm. Cameron, James P. Kettle, Herbert D. Mulroy.

Supplement to the existing contract between the Printers' League of America, New York Branch, and the Franklin Association of Press-Feeders No. 23 (I. P. P. & A. U.).

We, the undersigned, composing the Joint Conference Committee on three questions heretofore 'unadjusted between the Printers' League and the Franklin Association having been given full power by our respective organizations to conclude an adjustment of said questions do hereby agree that the following are the recognized decisions on the three points at issue to wit:

No. 1.— A feeder working two nights or less in any one week shall receive 50c per hour, but if he works three nights or more in any one week he shall be paid the schedule.

No. 2.— One apprentice to every six feeders or a majority fraction thereof. Such apprentices to be registered by both the Printers' League of America and Franklin Association No. 23; and no apprentice shall be given a full card by Franklin Association No. 23 until after the fourth year of his apprenticeship unless by mutual consent of both contracting parties herein mentioned. The minimum wages for apprentices shall be as follows: First and second years \$10.00, third year \$11.00, fourth year \$13.00, end of the fourth year the prevailing scale.

No. 3.— Assistants attending one or two machines shall be paid \$18.50 weekly. Assistants shall attend not more than two machines. This decision shall not be effective until July 15, 1908.

We, therefore, attach our signatures hereto and pledge ourselves and our respective organizations to adhere to and abide by the foregoing conditions

* Not agreed upon; left for future reference.

during the term of our mutual contract subject to any and all provisions of that contract as now in force.

Signed and attested this 13th day of July, 1908.

For the League.

(Signed) Joseph J. Little, John H. Hennessey, Peter J. Carey.

For the Franklin Association.

(Signed) Walter J. Coates, Thomas J. Moran, Wm. Cameron.
Members of the Joint Conference Committee.

Attest:

(Signed) D. W. GREGORY,
Corresponding Secretary of the League.

ARBITRATION IN NEW YORK CITY CAB DRIVERS' DISPUTE.

The existing agreement between the Livery Stable Keepers' Association of New York City and the Liberty Dawn Association of Coach and Cab Drivers, Local No. 607 of the United Teamsters of America, expired on November 30, 1907. Under that agreement wages had been \$15 per week of seven days with ten hours off out of every twenty-four and two additional hours for meals. On November 22d the union had presented a demand, with a view to a new agreement, for an increase of wages from \$2.15 to \$2.50 per day with twelve hours' off out of every twenty-four. To this the employers had made a counter proposition of a reduction of wages to \$14 per week without change of hours. After several conferences, neither side offering any concession, a strike of 1,200 cab drivers occurred on December 17. On the night of that day Mr. Marcus M. Marks of the executive committee of the National Civic Federation succeeded in arranging a conference of representatives of the parties in dispute, which resulted in the following agreement to leave wages at the old rate and submit the question of hours and any other differences to arbitration.

The undersigned authorized to represent the Livery Stable Keepers' Association and the Liberty Dawn Association No. 607, U. T. of A., hereby agree that the wages shall be \$15.00 a week and all other matters of difference between them regarding hours and conditions of employment, but not matters affecting union rules and regulations, be referred for arbitration to a committee of three, one to be selected by each and the third by these two; meanwhile the strike to be declared off and past conditions to prevail till the report of the arbitrators be handed in, which shall be at the earliest possible moment.

A. LEXO,

Livery Stable Keepers' Assn.

THOS. F. MCCORMACK,

Liberty Dawn Assn.

Under the terms of this agreement the strike immediately ended, the men returning to work on the morning of the 18th. It was not until June of this year, however, that the arbitration proceeding was completed, resulting in the following decision. So far as the main question of hours is concerned, the award represents a compromise as to arrangement of hours. Under the old agreement each driver had ten hours off out of twenty-four with two additional hours for meals. The award provides eleven hours off with one additional hour for meals, actual working time remaining twelve as before.

DATED AT NEW YORK, June 26, 1908.

To the Livery Stable Keepers' Association, Party of the First Part, and Local No. 607, U. T. of A., Party of the Second Part.

GENTLEMEN.—We, the undersigned, appointed by your honorable bodies as arbitrators for the purpose of adjusting numerous contentions that arose between your respective organizations, beg leave to submit herewith our findings and grant the following award. We grant this award after a very careful investigation of the existing differences and also after a very exhaustive investigation of the conditions that prevailed in the numerous stables interested and also of the conditions of the men employed.

We sincerely hope, therefore, that our award will be entirely satisfactory to all parties in interest and hope that in the future none but amicable relations shall exist between both organizations.

Very respectfully submitted,
(Signed) JOHN CAVANAUGH,
For the Livery Stable Keepers' Assn.
JOHN A. MOFFETT,
For Local No. 607, U. T. of A.

Section 1. That each driver get eleven hours off with ten minutes to put away horses. Additional hour for meal to be given as near the middle of the working day as possible. In the event of not getting meal time, time to be taken the following morning but in the event of the employer requesting the driver to report to the stables ahead of time on the following morning, that he be allowed his time at the earliest opportunity of the employer.

Section 2. All drivers including monthly men to receive not less than \$15 a week—salary to be paid weekly.

Section 3. When drivers act as chauffeurs same conditions to prevail as in sections 1 and 2.

Section 4. When a driver is compelled to take or takes a day off with leave, or many, he takes twenty-four hours for each day and his allotted time.

When men get days or weeks off they shall get them in turn.

Section 5. When a driver is kept out until 6 o'clock in the morning or later, he takes twenty-four hours off with pay.

Section 6. One six o'clock night in every twelve nights.

Section 7. Abolish all extra drivers but employers shall be permitted to employ extra drivers when doing funeral work.

Section 8. Only members of the Coach and Cab Drivers Local No. 607 with paid-up cards to be employed and members shall not be obliged to work with non-union drivers.

Section 9. No driver excepting monthly men to be expected to clean harness or wash vehicles except to sponge and chamois after washing.

Section 10. Should any condition arise which cannot be adjusted by the representatives of Local No. 607 the same shall be submitted to arbitration, the arbitration committee to consist of three employers and three drivers, and in the event of the arbitration committee being unable to agree, they shall select a final arbiter who shall be a disinterested party. Arbitration committees shall convene within three days after appointment and a final decision shall be rendered within ten days.

Section 11. No lockout or strike shall take place pending a decision of the arbitration committee.

Section 12. When a contract is entered into between the Livery Stable Keepers' Association and Local No. 607 of the Liberty Dawn Association neither party to said contract shall have the power to abrogate same and said contract can only be altered by mutual consent.

That contracts be universal in all stables.

Section 13. All contracts shall expire on October 15th of each year, but contracts can be made for a longer period if mutually agreed upon.

Dated at New York, June 26, 1908.

JOHN CAVANAUGH,
JOHN A. MOFFETT,
Arbitration Committee.

Joint Trade Agreements.

During the three months from June 1 to September 1, the Bureau of Mediation and Arbitration received copies of 94 formal trade agreements between organized wage workers and employers, either individually or in association, entered into since the first of last January and not heretofore listed. It is a notable fact, as shown in the following list that no less than 37, or more than one-third of the whole number, contain some provision for the settlement of any disputes that may arise during the life of the agreement.

LOCALITY AND TRADE.	Period.	AGREEMENT COVERS—					Settle- ment of dis- putes.
		Wages.	Hours.	Union ap- pre- ference.	Work- men- tices.	ing rules.	
Albany:							
Bakers.....	June 1, 1908— April 30, 1909.	*	*	*	*	*	....
Team drivers.....	May 1, 1908-9..	*	*	*	....	*	....
Amsterdam:							
Brewery workmen.....	May 1, 1908-9..	*	*	*	....	*	....
Batavia:							
Bakers.....	May 1, 1908-9..	*	*	*	*	*	....
Compositors.....	Jan. 1, 1908-11..	*	*	*	....	*	....
Granite cutters.....	Mar. 1, 1908-11..	*	*	....	*	*	*
Buffalo:							
Boiler makers.....	May 1, 1908-9..	*	*	*	*	*	....
Compositors (German-Am.)..	Jan. 15, 1908-10..	*	*	*	....	*	....
Fishermen.....	Jan. 1, 1908-9..	*	*	*	....	*	....
Quarry workers.....	April 1, 1908-9..	*	....	*	....	....	*
Rock drillers.....	April 1, 1908-9..	*	*	*	*	*	*
Tuck pointers.....	May 1, 1908-9..	*	*	*	*	....	....
Wood workers.....	Feb. 6, 1908— Feb. 1, 1910..	*	*	*	....	....	....

AGREEMENT COVERS—

LOCALITY AND TRADE.	Period.	Wages.	Hours.	Union pref- erence.	Ap- pren- tices.	Work- ing rules.	Settle- ment of dis- putes.
Buffalo and Rochester:							
Elevator constructors	May 1, 1908-10.	*	*	*	*	*	*
Canandaigua:							
Brewery workmen	May 1, 1908-9..	*	*	*	....	*	*
Compositors	Jan. 1, 1908-9..	*	*	*	....	*	*
Cohoes:							
Painters	April 1, 1908-9..	*	*	*	*	*	....
Plumbers	April 1, 1908-9..	*	*	*	*	*	*
Elmira:							
Bakers	May 1, 1908-9..	*	*	*	....	*	....
Carpenters	Mar. 1, 1908-9..	*	*	*	*	*	....
Laundry workers	April 1, 1908-9..	*	*	*	*	*	*
Teamsters	April 1, 1908-9..	*	....	*	....	....	....
Erie Railroad:							
Telegraphers	Mar. 4, 1908....	*	*	....	....	*	....
Gloversville:							
Bakers	May 1, 1908-9..	*	*	*	*	*	....
Compositors	Jan. 1, 1908-9..	*	*	....	*	*	*
Hornell:							
Retail clerks	June 1, 1908-9..	....	*	*	....	....	....
Hudson:							
Brewery workmen	May 1, 1908-9..	*	*	*	*	*	*
Ilion:							
Metal polishers	June 1, 1908-9..	*	*	*	....	*	*
Painters	April 1, 1908-9..	*	*	*	*	*	....
Jamestown:							
Painters	April 1, 1908-9..	*	*	*	*	*	*
Plumbers	May 1, 1908-9..	*	*	....	*	*	....
Johnstown:							
Painters	May 1, 1908- Jan. 1, 1909....	*	*	*	....	*	....
Keeseville:							
Horse nail makers	May 6, 1908-9..	*	*	*	....	*	....
Little Falls:							
Bricklayers	April 1, 1908-9..	*	*	*	....	*	*
Middletown:							
Bricklayers	April 1, 1908-9..	*	*	....	....	*	*
Hod carriers	April 1, 1908-9..	*	*	*	....	*	....
Plumbers	1908 .....	*	*	*	*	*	....
Millbrook:							
Painters	April 1, 1908-9..	*	*	*	*	*	*
Newburgh:							
Brewery workmen	May 1, 1908-9..	*	*	*	....	*	....
Garment workers	Jan. 1, 1908-9..	*	*	*	....	....	....
Retail clerks	Feb. 1, 1908-11.	....	*	*	....	....	....
New York Central Railroad:							
Boiler makers	1908 .....	*	*	....	*	*	....
New York City:							
Bakers	May 1, 1908-9..	*	*	*	....	*	....
Bakers (Bohemian)	May 1, 1908-9..	*	*	*	....	*	....
Bartenders	May 1, 1908-9..	*	*	*	....	....	....
Bluestone cutters	Jan. 1, 1908- Dec. 31, 1908.	*	*	*	....	*	*
Brewery workmen	April 13, 1908- April 1, 1911..	*	*	*	*	*	*
Bricklayers' helpers	Jan. 1, 1908-9..	*	*	*	....	*	*

AGREEMENT COVERS—

LOCALITY AND TRADE.	Period.	Wages.	Hours.	Union preference.	Ap- pre- tices.	Work- ing rules.	Settle- ment of dis- putes.
New York City—Concluded:							
Cement masons.....	Jan. 1, 1908-9..	*	*	*	....	*	*
Firemen, stationary.....	June 1, 1908-11.	*	....	*	....	*	*
Jacket makers.....	July 17, 1908- July 1, 1909....	....	*	*	....	*	....
Jacket makers and pressers..	July 15, 1908-9..	*	*	*	....	*	....
Mineral water bottlers.....	June 14, 1908- May 1, 1909....	*	*	*	....	*	....
Neckwear makers.....	July 15, 1908- Feb. 15, 1909..	*	*	*	*	*	*
Scow trimmers.....	June 10, 1908- Feb. 11, 1909..	*	*	*	....	*	....
Walters.....	Aug. 1, 1908....	*	....	*	....	....	....
Niagara Falls:							
Bricklayers and Masons.....	April 1, 1908-9..	*	*	*	....	*	*
Plasterers.....	May 1, 1908-9..	*	*	*	....	*	*
Printing pressmen.....	July 1, 1908-9..	*	*	*	....	*	....
North Tonawanda:							
Carpenters.....	May 1, 1908-9..	*	*	*	*	*	*
Lumber handlers.....	April 16, 1908..	*	....	....	....	....	*
Ogdensburg:							
Lumber inspectors.....	May 1, 1908-9..	*	*	*	....	*	*
Wood workers.....	May 1, 1908-9..	*	*	*	....	*	....
Oneida:							
Bakers.....	May 1, 1908-9..	*	*	*	*	*	....
Oneonta:							
Compositors.....	Jan. 1, 1908-9..	*	....	*	....	*	*
Oswego:							
Brewery workmen.....	May 1, 1908-9..	*	*	*	....	*	*
Plumbers.....	1908.....	*	*	....	....	....	....
Sheet metal workers.....	May 1, 1908-9..	*	*	*	*	....	....
Poughkeepsie:							
Bricklayers.....	May 1, 1908-9..	*	*	....	*	*	*
Rochester:							
Bakers.....	May 1, 1908....	*	*	*	....	*	....
Electrical workers.....	May 1, 1908-10.	*	*	*	*	*	*
Glass workers.....	1908.....	*	*	*	*	*	....
Ice wagon drivers.....	May 1, 1908-9..	*	*	....	....	....	....
Iron and wire workers.....	May 1, 1908-9..	*	*	....	....	*	....
Paper hangers.....	April 1, 1908-9..	*	*	*	*	*	....
Street and building laborers..	July 31, 1908- May 1, 1909....	*	*	....	....	*	....
Teamsters.....	1908-9.....	*	*	....	....	....	*
Truck drivers.....	April 1, 1908-10.	*	*	*	....	*	*
Rome:							
Painters.....	Jan. 1, 1908....	*	*	*	....	*	....
Schenectady:							
Electric apparatus makers...	May 13, 1908- May 1, 1909....	*	....	....	....	....	....
Syracuse:							
Coopers.....	April 1, 1908-9..	*	*	....	....	*	....
Electrical workers.....	June 11, 1908- May 1, 1910....	*	*	*	*	*	*
Laundry workers.....	1908.....	....	*	*	....	....	*
Machinists.....	1908.....	*	*	*	*	....	....
Theatrical stage employees...	May 15, 1908- Aug. 31, 1908..	*	*	*	....	*	....

AGREEMENT COVERS—

LOCALITY AND TRADE.	Period.	Wages.	Hours.	Union pref- erence.	Ap- pren- tices.	Work- ing rules.	Settle- ment of dis- putes.
Troy:							
Coal handlers.....	April 1, 1908-10.	*	*	*	....	....	....
Utica:							
Bakers.....	May 1, 1908-9..	*	*	*	*	*	....
Bricklayers.....	May 1, 1908-9..	*	....	....	*	*	*
Printing pressmen.....	1908.	*	*	*	....	*	....
Sheet metal workers.....	May 1908-9....	*	*	....	....	*	....
Warwick:							
Carpenters.....	May 26, 1908- June 1, 1909..	*	*	*	....	*	....
Waterford:							
Painters.....	April 1, 1908-9..	*	*	*	....	*	....
White Plains and vicinity:							
*Building trades.....	Mar. 18, 1908-10	*	*	*	*	*	*
Yonkers:							
Teamsters.....	May 1, 1908-9..	*	*	*	....	....	*

Of the above agreements four are reprinted below as containing features of exceptional interest. The first is an interesting example of collective bargaining for unskilled workers through an allied skilled trade, in this instance hod carriers' terms of employment in New York City being negotiated with employers by bricklayers. This agreement with employers supplements the agreement between laborers' and bricklayers' unions which was reproduced in the June BULLETIN (p. 162). The permanency of this system in the brick masonry industry of the metropolis is indicated by the fact that this agreement for 1908 succeeds one for 1906-7, which was printed in the preliminary report of the Bureau of Mediation and Arbitration for 1907 (p. 97).

In some contrast to the first agreement below is the third which is a contract directly between laborers' unions and a contractors' association.

The second agreement is of interest because of the provision in section 8 for a permanent committee to adjust complaints or disputes, in contrast to the commoner form in such agreements of a temporary body appointed for each dispute as it arises.

The last agreement below is notable as covering the entire building industry of White Plains and vicinity, negotiated by

*Comprising bricklayers, carpenters, electrical workers, lathers, laborers, painters, plumbers, gas and steam fitters, sheet metal workers and structural iron workers.

a general employers' association and a central labor union, and as providing a general arbitration board for the industry. Separate schedules for each of the nine individual building trades connected with the Central Labor Union, which are attached to original agreement, are here omitted.

NEW YORK CITY BRICKLAYERS' HELPERS.

NEW YORK, December 20, 1907.

The Mason Builders' Association, of which Mason Builders' Local No. 1 is herein declared and understood to be a constituent part, hereby enters into the following agreement with the Bricklayers' Unions of the City of New York.

I.

The bricklayers and their helpers will not affiliate in any way with any other labor organization; and, especially, will not affiliate with building material drivers and handlers, and will not go out on any sympathetic strike whatsoever. The bricklayers agree that their helpers, either collectively or individually, will not leave the works of a member of the Mason Builders' Association, and they further agree that their helpers shall not work for anyone not complying with all the rules and regulations herein agreed to. All disputes arising must be brought before the Joint Arbitration Committee of the Mason Builders' Association and the said Bricklayers' Unions for settlement.

II.

On these stipulations the Mason Builders' Association agrees that its members shall employ within the boroughs of Manhattan, Bronx, Brooklyn and Queens such helpers only as are recognized by said Bricklayers' Unions; it being understood and agreed that helpers necessary to start Bricklayers at 8 A. M. shall begin work at 7.45 A. M., or later, at the option of the foreman; Saturday afternoon and all other time before 8 A. M. and after 5 P. M., except as hereinafter specified, shall be paid for at the rate of time and a half; but double time shall be paid for work on Sunday and on the holidays specified in the agreement between the Mason Builders' Association and the Bricklayers' Unions. And the Mason Builders' Association agrees that its members shall henceforth pay 37½c. per hour as a helper's wage throughout said boroughs of Manhattan, Bronx, Brooklyn and Queens until the expiration of this agreement.

And the bricklayers herewith guarantee that 37½c. per hour and time and a half for overtime, including Saturday afternoon, and double time for work on Sunday and on the holidays specified in the agreement between the Mason Builders' Association and the Bricklayers' Unions shall henceforth be the rate of wage for their helpers throughout said boroughs of Manhattan, Bronx, Brooklyn and Queens until the expiration of this agreement.

The term of this agreement to be the same as that of the agreement between the Mason Builders' Association and the Bricklayers' Unions of the city of New York for 1908.

For Mason Builders' Association.

Frank E. Conover, *Chairman*; Francis M. Weeks, Otto M. Fidlitz, George Wills, William Crawford, Alexander Brown, Jr., Thomas B. Leahey, F. J. Ashfield, Arthur Stone, C. C. Woodruff, M. J. Dowd, William Kennedy, F. T. Youngs, Edward Choate, J. C. Vreeland, Ely Greenblatt.

For Bricklayers' Unions.

No. 34, Fred James, *Chairman*; No. 1, William D. Hanigan; No. 3, Richard B. Moore; No. 4, James Birchall; No. 7, Joseph Doody; No. 9, Tony Wenger; No. 11, William Klein; No. 21, William J. Cronin; No. 29, Charles C. Brown; No. 32, Clarence E. Wood; No. 33, Luke A. Burke; No. 35, Wm. Schmit; No. 37, Lawrence McCabe; No. 40, W. Sloane, No. 41, F. R. Harper; No. 72, Ben. F. King.

NEW YORK CITY CEMENT MASONS.

This agreement made and entered into this first day of January, 1908, between the Masters' League of Cement Workers, party of the first part, and the United Cement Masons' Union No. 1 of Greater New York and vicinity, party of the second part, to cover the following territory, namely: New York State within a radius of twenty-five miles of the City Hall, Manhattan, also the State of New Jersey, east of the Hackensack River and north to Fort Lee.

Section 1. That eight hours shall constitute a day's work, namely: from 8 A. M. to 12, and from 1 P. M. to 5 P. M. on week days, and from 8 A. M. to 12 on Saturdays, and double time shall be paid for all overtime, excepting on Saturday between the hours of 12 M. and 5 P. M., and on labor day when no work shall be done.

Double time shall be paid for work performed on Sunday, New Year's Day, Washington's Birthday, Decoration Day, Fourth of July, Thanksgiving Day and Christmas, or day celebrated as such.

Should any dispute arise between the employer or employee about the time worked and the amount to be paid, said dispute can be brought to the Joint Complaint Committee for final decision.

Sec. 2. The minimum scale of wages shall be sixty-two and one-half cents per hour, wages to be paid on job where men are employed before 12:30 P. M. on Saturday, the week to end on Thursday night.

If wages are not paid as specified, single time shall be paid from 12 M. to 1 P. M., and double time shall be paid thereafter.

If discharged for any reason during the week, they shall receive their money at the time of said discharge and shall also be entitled to full wages until paid. If sent to the office for pay, one hour additional time shall be allowed.

Sec. 3. There shall be a steward allowed on every job, who shall attend to the interests of the union and such duty shall be performed without expense or inconvenience to the party of the first part.

The business agent of the union shall have access to the work at all times.

Sec. 4. The party of the second part agrees to perform in a faithful and workmanlike manner all duties required of them by the party of the first part, who shall furnish all rods, strips and special tools for the work.

Sec. 5. All members sent to out of town jobs shall have all expenses paid such as board and carfare, and not more than four hours travel time shall be allowed each way. Party of the second part will be allowed carfare in excess of 26c. per day within the territory covered by this agreement.

Sec. 6. The work covered under this agreement is as follows:

(a) All laying out of work, such as setting joists, laying strips or screed rods.

(b) The laying and finishing of all cement finished concrete basement, floors, yards, sidewalks, driveways, areas, and other surfaces where cement finished surfaces or surface is laid, also where finer material is laid over rough concrete, where strips have to be set, material ruled down, or surface finished with cement masons' tools.

(c) The construction of all glass vault or side-walk lights, when same are set in cement, excepting the carpenter work, including pointing, facing and finishing up of same when forms are taken down.

(d) The setting up of all forms for steps, landings, platforms, coping, caps and curbs, except where underforms or centers are required, and the filling in of all fine material for facing of same, also the filling in of forms and moulds where a fine coat is applied next to the moulds.

(e) The running of all cement base.

(f) The applying of all cement mortar on walls, including the cutting, patching and finishing of concrete fireproofing on walls, piers and columns; the finishing in cement of concrete walls, piers and columns; the applying of cement mortar for renovating, patching and imitating of stone; the applying of cement mortar on exterior of walls for the purpose of preserving or protecting against the weather or other purposes; the applying of cement mortar for damp-proofing, waterproofing or sanitary purposes.

(g) The cutting, pointing and all work in preparing walls for cement mortar.

(h) The patching of all concrete arches, columns, beams, girders and walls.

(i) The cutting of all concrete where cement finish is applied.

(j) The applying and finishing of all material known to the trade as composition, floors, base and wainscot.

(k) The setting of carpet pins and sockets in cement floors.

(l) Notwithstanding anything apparently to the contrary, all decisions of the General Arbitrators' Board as to jurisdiction of trade shall obtain.

Sec. 7. The members of the Masters' League of Cement Workers, when in need of masons, shall send written request by registered letter for same to the Cement Masons' Union, stating the number of masons required, the location of the job and when they are to report for work. It being agreed, however, that when written request for masons has been made, they shall not be taken from the employ of other members of the Masters' League of Cement Workers without his or their consent.

If two or less masons are required, they shall report for work within forty-eight hours after said written request has been made. If five, and not less than two, masons are required, they shall all report for work within four days after written request has been made, and if more than five are required, they shall report for work within one week after written request has been made.

If the Cement Masons' Union No. 1 is unable to furnish competent masons in compliance with said request within the specified time, the representative of the union may make representation to the member requiring the mason or masons, and if satisfactory to said members, the time may be extended to their mutual satisfaction. Otherwise, the Masters' League of Cement Workers or any of its members may procure from advertisements or otherwise such other competent Union Cement Masons as they may require to finish the work for which they have made request, for not longer than thirty days thereafter, unless said man or men join the Cement Masons' Union No. 1, said man or men to signify their intentions as to joining within fifteen days, and if Union men cannot be procured, any member of the Masters' League of Cement Workers can employ any man or men until the United Cement Masons' Union No. 1 replace said man or men with their own members.

Sec. 8. A complaint committee, consisting of three members of the Masters' League of Cement Workers and three members of the United Cement Masons' Union No. 1, shall be appointed to hold office for three months, or until their successors are appointed or elected, the duties of said committee being to receive and adjust complaints from either side.

Said committee shall meet upon call of chairman or secretary, and shall have power from both organizations to settle all disputes.

An accurate record of the proceedings of said committee shall be made and a copy of the same shall be filed with both organizations if requested.

In the event of the complaint committee being unable to agree upon the settlement of a dispute, it shall be referred to a Trade Arbitration Board, consisting of two from each side of the complaint committee, they to select

the fifth or umpire. The decision of said Arbitration Board shall be binding upon both.

In case the said Trade Arbitration Board fails to agree upon the naming of an umpire, the case shall then be referred to the General Arbitration Board for settlement.

Sec. 9. This contract shall expire January 1, 1909. Any notices of changes in the contract by either party shall be proposed four months before that date and disposed of before the expiration of this contract.

Sec. 10. Both parties to this agreement hereby endorse and accept the general arbitration plan adopted by the conference held July 3, 1903, between the Building Trades Employers' Association and representatives of the labor unions, with explanatory clauses as adopted on April 22, 1905.

Sec. 11. A member of the United Cement Masons' Union in good standing shall act as foreman on all foregoing work.

ROCHESTER STREET LABORERS.

Articles of agreement, made and entered into this 31st day of July, 1908, between the Street and Sewer Contractors Association and the German, Polish and Italian Locals of the Street, Sewer and General Excavators Organization of Rochester, New York.

ARTICLE I. It is mutually agreed by the above named parties that eight hours shall constitute a day's work. That the working hours shall be from 8 A. M. to 12 M., and from 1 P. M. to 5 P. M., to be known as regular working hours.

ARTICLE II. It is further agreed by the above named parties, that the minimum rate of wages for Street Laborers shall be twenty-one (21) cents an hour and the maximum rate of wages for Street Laborers shall be twenty-three (23) cents an hour for regular working hours; but this shall not affect men that are getting more than twenty-one (21) cents an hour at the present time, before this Agreement is made.

ARTICLE III. It is further agreed by the above named parties that for the following class of labor; excavation for buildings, concrete walls for buildings, floors, or any other work around the building, digging trenches for plumbers and for mixing cement mortar for cement sidewalks, the minimum scale of wages shall be twenty-five (25) cents an hour for regular working hours.

ARTICLE IV. No other overtime is allowed for laborers to work, except in cases of emergency; in such cases for overtime, time and half shall be paid. On Sundays and legal holidays, such as New Year's Day, Decoration Day, Independence Day, Labor Day and Christmas Day, double time shall be paid.

ARTICLE V. When necessary to work men in shifts, such extra labor shall not be classed as overtime.

ARTICLE VI. It is further agreed by the above named parties, that the Business Agent of the Laborers Union shall have power to visit jobs where laborers are working outside of working hours.

ARTICLE VII. When laborers are discharged they shall be paid immediately.

ARTICLE VIII. It is further agreed by the above named parties that if either of the above named parties wish to change the above agreement at its expiration, they shall give at least thirty (30) days notice in writing.

ARTICLE IX. It is further agreed by the above named parties that all provisions in this agreement shall be binding on both parties from July 31, 1908, to May 1, 1909.

ARTICLE X. Provisions of Article I shall not apply to men working for Asphalt Contractors, when actually engaged in the heating and laying of asphalt, and it is further agreed that the provisions of Article IV shall not apply while unloading canal boats.

WHITE PLAINS BUILDING TRADES.

Agreement, made this 18th day of March, 1908, by and between the Master Builders' Association, of the Town of White Plains, N. Y., party of the first part, and the Central Labor Union of White Plains and Vicinity, parties of the second part, witnesseth:

That both parties mutually agree to all of the following Articles of Agreement:

Object.

ARTICLE I. In order to prevent any strike or lockout, and to insure a peaceful adjustment and settlement of any and all grievances, disputes and differences that may arise between any employer and the members of the Building Trades affiliated with the Central Labor Union.

ARTICLE II. That both parties to this agreement do hereby adopt as a basis of settlement the Joint Arbitration Plan, approved at a joint conference of the Master Builders Committee and a Committee representing the Central Labor Union, on the 18th day of March, 1908, a copy of which is attached, and made a part of this agreement.

And they further agree that they will abide by the decision of said arbitration as associations, and use any and all lawful means in their power to compel their members to abide by said decisions.

ARTICLE III. That both parties shall appoint a committee of five (5) members with full power to act for the Association and for the Central Labor Union, which shall form the joint Arbitration Board provided for in the Arbitration Plan, to whom shall be referred all questions in dispute for adjustment.

Their names and address to be sent to the Secretary of the Master Builders' Association, whose duty it shall be to call them together for the purpose of organizing said Board, six members of which shall constitute a quorum for the transaction of business.

ARTICLE IV. It is mutually agreed by both parties to this agreement that if we violate any of the said rules and agreements, and charges are preferred against us in writing, and if found guilty by the Arbitration Board or referee, we will pay in full any fine as may be imposed, within fifteen days from date of decision to parties making charges.

ARTICLE V. Any party violating any of these agreements and found guilty by the Arbitration Board, and failing to comply with the decision of said Board, shall be declared unfair.

ARTICLE VI. Both sides, at all meetings of said Board, shall have an equal number of votes on all questions, whether all their members are present or not.

No strike or lockout shall be ordered pending the decision of the Arbitration Board, which must meet within forty-eight (48) hours after the complaint has been made, time to start from the time of delivery by representatives of either organization. In case of a vote resulting in a tie, the Board shall choose by a majority vote a referee. Said referee to be selected at the first meeting of the Board, at the meeting in which they are at a dead-lock. The whole matter shall be presented to the referee within twenty-four (24) hours, and he must render a decision within forty-eight (48) hours, after the case has been argued before him. The decision of the referee *must* be final and binding on both parties.

All questions in dispute to be settled by a majority vote or decision of an Umpire.

ARTICLE VIa. It is further agreed that all employees hereinafter named shall be recognized members of the unions affiliated with the Central Labor Union of White Plains and Vicinity.

ARTICLE VII. And we, the members of the unions affiliated with the Central Labor Union in consideration of such employment, agree not to work for any member of the Master Builders' Association who has been placed on the unfair list by the Association for non-payment of dues or violating the by-laws

or agreements; and the Master Builders' Association agrees not to employ any suspended or fined member of the unions.

ARTICLE VIII. When any person, or firm, has been placed on the unfair list, both parties to this agreement agree not to purchase, directly or indirectly, anything from said person or firm until such time as they have been placed fair by those that placed them unfair.

ARTICLE IX. In consideration of such employment designated in Article VIa, we, the parties to this agreement, mutually agree not to accept any employment from any contractor or builder, unless he is a member in good standing, of the Master Builders' Association.

But we may accept work from a contractor or builder, unless his name has been rejected for some reason by a two-thirds' vote of the Arbitration Board.

ARTICLE X. If a building shall be abandoned for any cause, on which the wages of union members are unpaid, no contractor or builder shall contract to complete the same until such debt is paid by the original or subsequent owner, or provided for in the new contract. If a member of the Master Builders' Association is prevented from carrying out his contract on a building through the insolvency of the owner, or any other cause, no members of the unions affiliated with the Central Union shall work on such building until the Master Builders' Association contractors' claim has been equitably adjusted.

ARTICLE XI. Notice in writing, stating amounts in dispute must be filed with the Secretary of the Master Builders' Association and the Secretary of the Central Union within one week of the stoppage of work, giving full particulars; the Secretary to give proper notice to the Unions and their representatives at the beginning and ending of the question in dispute.

ARTICLE XII. We, the parties of the first part, agree that when new agreements are presented for the consideration of the Master Builders' Association that we will at once appoint a committee of five (5) to consider such agreements and give a definite answer as to whether we will accept or reject the same within ninety (90) days from the date of receiving same.

ARTICLE XIII. We, the parties of the second part, agree that we will not make any demands for hours or wages before giving at least six (6) months' notice previous to the enforcement of such demands.

ARTICLE XIV. No member of the Union will be allowed to act as superintendent or foreman for any one but a recognized builder or contractor.

ARTICLE XV. Journeymen will not be permitted to work for a contractor of another trade other than his own, except general contractors who carry men on their payroll of mixed crafts and employ them the major part of the time.

ARTICLE XVI. Contractors and employers shall not perform any work on a job other than that of his own trade.

ARTICLE XVII. No person will be recognized as an employer who lumps work, that is, one who furnishes nothing but the labor.

ARTICLE XVIII. Members are not allowed to work before or after the regular working hours for any person other than the one he is regularly employed by.

ARTICLE XIX. That not more than two members of a firm shall be permitted to handle tools and work at the trade, members of the Master Builders' Association not to work on any unfair work nor work more than the regular journeymen hours.

ARTICLE XX. No employer to subcontract any work in the building line to a journeyman.

ARTICLE XXI. It is further agreed to give the preference of employment to the members of the unions affiliated with the Central Labor Union.

ARTICLE XXII. That the Business Agents shall have the privilege of visiting all jobs and shops at all times for the purpose of examining members' cards, or any other business pertaining to this agreement.

ARTICLE XXIII. When men are sent to jobs one mile and a half from the Court House, or jobs are one mile and one-half from railroad station or trolley, employer shall pay carfare to and from job each working day, or carry men by vehicle to and from such job each working day.

Hours of Labor.

ARTICLE XXIV. That eight (8) hours shall constitute a day's work, between the hours of 8 A. M. and 5 P. M., for all week days except Saturday, when work shall stop at 12 o'clock, with four hours pay for that day.

ARTICLE XXV. Saturday from 12 o'clock noon to 5 P. M. is recognized as a holiday and no members of the Unions shall be permitted to work at their trade for any employer or any other person, except plumbers, sheet metal workers and laborers. See their agreement.

Time and one-half for overtime, and double time for Saturday afternoons and the following holidays: Memorial Day, Independence Day, Thanksgiving Day and Christmas Day. Labor Day no member of the Unions will be permitted to work.

It is agreed by the parties that this agreement shall be in force between the parties hereto until March 31, 1910, excepting those that are signed for one year only.

Payment of Wages.

ARTICLE XXVI. Payments shall be made in full once a week on Saturday on or before 12:30 P. M., on the job, or at the office, any employer failing to pay by the time specified shall pay men waiting time at the rate of double time until they are paid, all payments to be made in cash, any members laid off or discharged must be paid in full at once. No wages to be paid to the men in hotels or saloons. All wages mentioned are the minimum scale.

FACTORY INSPECTION.

The record of work performed by deputy factory inspectors (see Appendix, Table VI) in the second quarter of 1908 shows a total of 13,027 regular inspections made, or just about the same number as in the corresponding quarter of 1907. There were considerably fewer inspections of "factories" this year but more of licensed tenement buildings in not far from equal numbers, with inspections of laundries, bakeries, mines and quarries about the same.

While the ordinary inspections total about as last year, there was a great increase over last year in the amount of special work done by the deputy inspectors, the number of investigations "on special orders" being more than treble the number last year. Some portion of the increase in this line of work is due to an extraordinarily large number of complaints received by the Factory Bureau this summer relative to the eight-hour and prevailing-rate-of-wages law for public work. Aside from this, however, there were fewer complaints to be investigated this year than last.

The number of prosecutions to enforce the factory law in the second quarter of this year was unprecedented, exceeding the record figures of the first quarter. New actions to the number of 180 were begun, which together with 116 which were pending on March 31st, makes a total of 296 before the courts in the quarter. Briefly summarized from Table V of the Appendix the results in these cases were as follows:

PROSECUTIONS IN APRIL, MAY AND JUNE.

SUBJECT OF LAW VIOLATED.	Total cases in court.	Cases completed in quarter.	CONVICTIONS.		Dismissed or acquitted.	Withdrawn.
			With fine.	With suspended sentence.		
Factory sanitation and safety.....	62	37	10	10	17	.....
Child labor.....	216	170	70	69	27	4
Women and minors.....	15	13	3	6	7	.....
Bakeries (special provisions).....	2	.....	.....	.....	.....	.....
Wages (payment weekly).....	1	1	1	.....	.....	.....
	<u>296</u>	<u>221</u>	<u>84</u>	<u>85</u>	<u>48</u>	<u>4</u>

The more direct means of compulsion to enforce the law by "tagging" to stop work, which is available for certain purposes, was resorted to 94 times in April, May and June as compared with 176 times in the same months of 1907. In one of these instances an unsafe machine was thus stopped until it should be properly safeguarded, but the tagging process serves most often in enforcing cleanliness and proper sanitation, especially in tenant factories.

There was almost exactly the same number of licenses permitting manufacturing in tenement buildings issued in the second quarter this year as in the first, all but one of these being in New York City. Allowing for a number of licenses surrendered and one revoked for unlawful conditions, the net increase in outstanding licenses was 525, or precisely the same as in the first quarter. The whole number of licensed buildings at the end of June was 9,805 (see Table VIII in Appendix).

The returns as to employment certificates for children issued by boards of health in first and second class cities during April, May and June (see Appendix, Table VII) reveal a marked decrease in the number of children entering employment this year as compared with last in most of the cities outside of New York City. In fact, among the other eight cities the number of certificates issued this year equals last year's figures only in Syracuse and Yonkers. In New York City, on the other hand, the figures show a large increase over last year. The increase appears principally in Brooklyn Borough, but Manhattan and The Bronx also contributed to it.

Under the sections of the Factory Law requiring accidents in factories, mines or tunnel construction work to be reported to the commissioner of labor, 3,248 accidents were reported during April, May and June, as compared with 3,402 in the first quarter of the year, or with 4,966 in the second quarter of 1907. In connection with the latter comparison, the fact must be borne in mind that the second quarter of last year was a very busy manufacturing period, with factories full-handed, in contrast to this year's depression with its closed or short-handed factories.

Table XI in the Appendix shows the distribution of the second quarter's accidents by age and sex of persons injured and by

causes and results, as usual, together with a summary of results by industry groups; tabulations by industries being now resumed for the first time since 1905. Following is a condensed summary from Table XI:

NUMBER OF PERSONS INJURED, BY CAUSES, SEX AND AGE.

CAUSES.	Total num- ber.	TOTAL.		AGE.			Not stated.
		Males.	Fe- males.	Under 16 yrs.	16-18 yrs.	Over 18.	
Mechanical power.....	1,420	1,285	135	6	85	1,321	8
Heat and electricity.....	311	306	5	....	8	303	....
Fall of person.....	273	260	13	1	12	259	1
Injuries by weights.....	725	723	2	3	13	707	2
Flying objects.....	117	116	1	....	3	113	1
Vehicles, etc.....	67	67	....	....	1	66	....
Miscellaneous (including hand tools)...	335	327	8	1	14	319	1
Total.....	3,248	3,084	164	11	136	3,088	13

EXTENT OF DISABILITY.

GROUPS OF INDUSTRIES.	Total persons injured.	Tempo- rary.	Serious, Known		Death.
			probably perma- nent.	to be perma- nent.	
1. Stone, clay and glass products.....	115	85	12	13	5
2. Metals, machinery and shipbuilding....	1,827	1,383	236	187	21
3. Wood manufactures.....	201	113	33	53	2
4. Leather and rubber goods, etc.....	60	39	6	13	2
5. Chemicals, oils, paints.....	93	64	11	10	8
6. Paper and pulp.....	197	144	29	22	2
7. Printing and paper goods.....	130	79	23	27	1
8. Textiles.....	214	156	20	35	3
9. Clothing, millinery, laundry.....	26	18	3	5	....
10. Food, liquors and tobacco.....	163	120	18	21	4
11. Water, light and power.....	44	36	2	1	5
12. Tunnel construction.....	177	123	40	9	5
13. Miscellaneous.....	1	....	....	....	1
Total.....	3,248	2,360	433	396	59

IMMIGRATION AND EMIGRATION.

Completed figures for the first quarter of this year (see Appendix, Table X) confirm the intimation of the figures for January in the last BULLETIN that the outward flow of foreign labor at the Port of New York greatly exceeded the inward stream during January, February and March. The aliens arrived in the three months numbered only 57,007, while the number departed was 83,978. Of those admitted, 24,374 gave this State as their destination, while of those departed 23,729 had resided here. On the face of the returns, this would make it appear that New York State stands in sharp contrast to the rest of the country in that the outgoing and incoming numbers were here just about equal. But it must be remembered that the figures for destination of immigrants are not very reliable, owing to the fact that many foreigners, in ignorance of the geography of the country or uncertainty as to future movements, simply give their port of arrival as final destination, whereas it may prove to be only a temporary stopping place. This source of error in the case of arrivals would not exist in the case of those departing. The truth is, therefore, that it is impossible to measure the net movement of aliens for the state alone.

In the second quarter of the year as in the first there was an excess of emigration over immigration at the Port of New York. The aliens admitted in April, May and June numbered 76,446 (see Appendix, Table IX), while the number of departures was 91,631. Departures exceeded arrivals by 20 per cent in this quarter as compared with 47 per cent in the first quarter. How tremendously the tide of immigration has diminished this year may be seen by the fact that the above number of arrivals at New York City in the second quarter is less than one-fifth of the number (388,304) which arrived in the corresponding period of 1907.

The following summary shows the inward and outward flow of foreigners at the Port of New York for the year ended June 30th:

ALIEN ARRIVALS AND DEPARTURES AT THE PORT OF NEW YORK.

QUARTER ENDED.	Arrived.	Departed.	Net movement.
September 30, 1907.....	227,728	66,104	161,624 inward
December 31, 1907.....	224,789	112,686	112,103 inward
March 31, 1908.....	57,007	83,978	26,971 outward
June 30, 1908.....	76,446	91,631	15,185 outward
Total.....	<u>585,970</u>	<u>354,399</u>	<u>231,571 inward</u>

It is evident that the movement of aliens through the Port of New York in 1908 offers nothing, either as to direction or volume, to cause solicitude upon the immigration problem. Nevertheless, the outward movement now in evidence is so comparatively small and so certainly only a temporary phenomenon accompanying the extraordinary industrial situation through which this country is now passing, that the immigration problem, which has been created by the great inflow which has continued for years, still presses for consideration as before. No more important step in connection with that problem has ever been taken in this state than the investigation "into the condition, welfare and industrial opportunities" of the aliens here which is now under way by the commission appointed by Governor Hughes on July 15 under Chapter 210 of the Laws of 1908. The personnel of this commission is such as to give every promise of valuable results from its investigations. The chairman is Mr. Louis Marshall, a prominent member of the New York bar. The other eight members include Mr. Edward B. Whitney, lecturer in the New York Law School, who was counsel for the Tenement House Commission and drew the Tenement House Law of 1901; Mr. Gino C. Speranza, who is attorney for the Labor Information Office for Italians; Miss Lillian D. Wald, founder and head of the Henry Street Settlement in New York City; Mr. Charles W. Larmon, chief of the Labor Bureau in the State Department of Agriculture; Mr. James B. Reynolds, long prominent in social reform movements, former head of the University Settlement in New York City, secretary to Mayor Low in 1902-3, member of the presidential commission to investigate the Chicago stock yards in 1906, etc.; Mr. Philip V. Danahy, who is prominent in trade union circles in Albany, Troy and Schenectady as business agent of the cigarmakers; Mr. Marcus M. Marks, presi-

dent of the National Association of Clothiers, member of executive committee of National Civic Federation, etc.; and Miss Frances A. Kellor, director of the Inter-Municipal Committee on Household Research and author of "Out of Work, a Study of Employment Agencies" (1904).

A STUDY OF THE CAUSES OF CONGESTION OF MANUFACTURES IN NEW YORK CITY.

By P. TECUMSEH SHERMAN, Former Commissioner of Labor.

At a recent Exhibition of Congestion of Population in New York City held at the American Museum of Natural History in March, 1908, there was displayed a diagram, which showed that a large section in the center of the most congested district on Manhattan Island was devoted principally to manufacture, and that the value of land there and the taxes thereon were enormously high; and concluded with the question,—“does it pay to use such expensive land for manufacture?” The question was idle, for the land would not be so used if it did not pay. But the facts shown raise another question,—“why does it pay?”

To answer that question requires a study of the causes of the concentration of manufacturing in the section referred to, and as an intermediate step of the causes for the location of manufacturing industries in New York City. For that purpose figures are here used which are taken from the New York State Department of Health estimates of population for 1906, and for the number of persons engaged in manufacture from the Annual Report of the New York Bureau of Factory Inspection for the same year (Tables IV and V).

According to the following table, the number of persons in the state engaged in manufacture is 12 per cent of its total population, and the corresponding proportion in New York City is 14 per cent. Only four of the other cities have anything like as low a percentage; namely, Albany 13 per cent, Yonkers 14 per cent, Buffalo 15 per cent, and Syracuse 16 per cent, while the remainder have a materially higher proportion as follows: Utica, 20 per cent, Rochester 24 per cent, Troy 27 per cent and Schenectady 32 per cent; and the average proportion of them all is over 18 per cent.

TABLE 1.—PROPORTION OF POPULATION ENGAGED IN MANUFACTURE IN FIRST AND SECOND CLASS CITIES.

	Population.	Number of persons found engaged in manufacture.	Percentage of last number to total population.
New York State.....	8,226,990	1,064,846	12.9
New York county (Manhattan and Bronx).....	2,464,432	434,878	17.6
Kings county (Brooklyn).....	1,404,569	121,822	8.7
Queens county.....	209,685	20,180	9.6
Richmond county.....	74,174	7,684	10.4
Total New York City.....	4,152,830	584,564	14.1
Buffalo.....	381,819	57,866	15.2
Rochester.....	185,703	44,529	24.0
Syracuse.....	118,880	19,183	16.1
Albany.....	98,537	12,974	13.2
Troy.....	76,513	20,667	27.0
Utica.....	65,099	13,188	20.3
Yonkers.....	64,110	9,317	14.5
Schenectady.....	61,119	19,744	32.3
Total first and second class cities other than New York.....	1,051,780	197,568	18.8
Remainder of State.....	3,022,350	322,714	10.7

It thus appears that New York City's proportion of population engaged in manufacture is not high. But its proportion relative to area is exceedingly high; and New York County's is phenomenal, as the following table shows:

	Area in square miles.	Number of persons engaged in manufacture.	Number per square mile.	Percentage of total number of persons engaged in manufacture in State.
New York City.....	326.90	584,564	1,788	54.9 per cent.
New York County	68.58	434,878	6,341	40.8 per cent.

This raises the proportion of the number of persons engaged in manufacture in New York County to about 18 per cent of its resident population, and lowers the corresponding proportion in the other counties of the city to about 9 per cent. This shows that manufacturing in the city is like commerce concentrated in New York county, and that in manufacturing as in commerce, a large but unascertainable proportion of the resident population of the suburban counties carry on their work in that central urban county.

It appears from Table 2 below that three of the groups, into which industries are classified in the Report of the Bureau

of Factory Inspection, namely, "Clothing, Millinery, etc.," "Printing and Paper Goods" and "Foods, Liquors and Cigars" are responsible for the bulk of the concentration in New York City. For they are all numerically important groups and at the same time have by far the highest percentage of persons engaged in New York City.

TABLE 2.—PROPORTION OF PERSONS ENGAGED IN MANUFACTURE IN NEW YORK CITY IN EACH INDUSTRY GROUP.

INDUSTRY GROUPS.*	NUMBERS ENGAGED.		PERCENTAGE OF TOTAL NUMBER IN STATE ENGAGED.		
	In State.	In New York City.	In New York City.	In other first and second class cities.	In remainder of State.
Stone, clay and glass products.	45,127	14,762	36.3	9.6	53.6
Metals, machines and conveyances.	265,780	102,391	38.5	29.2	32.3
Wood manufactures.	81,624	41,129	<u>50.4</u>	15.8	33.8
Leather and rubber goods.	65,370	32,367	<u>49.5</u>	20.5	30.0
Chemicals, oils, paints, etc.	33,862	18,547	<u>54.8</u>	19.1	26.2
Paper and pulp.	15,191	1,761	<u>11.6</u>	4.8	83.6
Printing and paper goods.	90,723	68,185	<u>75.2</u>	14.5	10.3
Textiles.	96,681	30,141	<u>31.2</u>	14.1	54.7
Clothing, millinery, etc.	264,309	204,519	<u>77.4</u>	15.2	7.4
Food, liquors and tobacco.	100,511	63,699	<u>63.7</u>	14.0	22.3

If the manufacturing population engaged in each industry group were distributed between the above geographical divisions of the State in the same proportion as the total population the percentage in each division would be as follows:

DIVISION.	Percentage
New York City.	50.0
Other first and second class cities.	12.8
Remainder of State.	37.2
Total.	100.0

If the number of persons engaged in manufacture, in each industry group and in each industry were distributed in proportion to population, New York City would have about 50 per cent of the total number in each, because it contains approximately 50 per cent of the population of the state. In the following tables and discussion, this proportion is assumed to be the normal, and variations from it are pointed out and compared because it is a

*Two small industry groups—"water, light and power" and "building industry"—are omitted, as negligible and confusing.

convenient method of comparison and because there is *some* relation between the number of the population and the number of persons employed in manufacture, and not because of any belief that an even distribution is or ever was the actual or true normal condition.

According to Table 2 there are two groups of industries, "Stone, Clay and Glass Products" and "Paper and Pulp," in which New York City along with the other cities of the state falls below its proportion, according to population; and two others, "Metals, Machines and Conveyances" and "Textiles," in which it falls below, while the other cities as a whole exceed. It will aid in solving the main problem to notice the distribution of the industries included in these groups sufficiently to understand the forces that have to such an extent kept or drawn them away from New York City.

Those specific industries which are altogether or almost altogether wanting in New York City are listed in Table 3 below:

TABLE 3.—INDUSTRIES IN WHICH LESS THAN TEN PER CENT. OF THE PERSONS ENGAGED THEREIN IN THE STATE ARE IN NEW YORK CITY.

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In State.	In New York City.
Crushed stone.....	703	27
Cement and lime.....	2,519	.....
Common brick.....	12,150	368
Sifted sand and mortar.....	592	8
Ore crushing.....	98	.....
Pig iron.....	1,809	27
Firearms.....	1,828	5
Car wheels and railway equipment.....	7,108	90
Cycles.....	346	15
Cars.....	2,141	.....
Locomotives.....	8,082	.....
Agricultural implements.....	8,162	.....
Pulp and fiber goods.....	415	7
Pulp mills.....	1,489	16
Pulp and paper mills*.....	6,283	.....
Woolens and worsteds.....	7,627	186
Hosiery and knit goods.....	31,885	2,205
Felt goods.....	1,395	135
Cotton goods.....	9,539	924
Carpets and rugs.....	8,895	824
Gloves and mittens.....	5,876	301
Sodas and alkalies.....	4,633	354
Optical and photographic appliances.....	4,022	375

*Exclusive of solely paper making mills.

The most conspicuous examples above are in the two groups "Stone, Clay and Glass Products" and "Paper and Pulp," above mentioned. The location of establishments in these industries is largely determined by the sources of supply of their crude materials. In some few minor and subsidiary industries, e. g., "clip sorting" and "sorting waste paper," this attraction to the sources of supply has operated to the numerical advantage of the city; but its net result has been strongly against it, as Table 3 indicates.

The other industries in Table 3 belong to the groups "Metals, Machines and Conveyances" and "Textiles." The majority of these particular industries are each concentrated in a few localities possessing presumably special advantages for that industry, and which are generally comparatively small places, removed from the centers of population and commerce. The best examples of this phenomenon to be found in the report are the following:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.		
	In most prominent localities in the industry.	In whole State.	In New York City.
Locomotives.....	Schenectady, 4,957; Dunkirk, 3,617.....	8,802	
Dynamos, motors and electric supplies.....	Schenectady, 12,611.....	17,458	2,585
Firearms.....	Ilion, 866.....	1,828	
Car wheels and railway equip- ment.....	Watertown, 2,022; Buffalo, 1,402	7,108	90
Agricultural implements.....	Auburn, 1,783; Hoosick Falls, 1,216.....	8,162	
Gloves and mittens.....	Gloversville, 3,285; Johnstown, 1,401.....	5,876	301
Carpets and rugs.....	Amsterdam, 3,780; Yonkers, 2,873.....	8,895	82
Cotton goods.....	Cohoes, 2,918; Yonkers, 2,040...	9,539	924
Rolling mills and steel works...	West Seneca, 6,324.....	13,434	1,481
Hosiery and knit goods.....	Utica, 4,405; Cohoes, 3,441; Am- sterdam, 3,112; Little Falls, 2,214.....	31,885	2,205
Watch cases.....	Sag Harbor, 525.....	901	375
Woolens and worsteds.....	Jamestown, 2,018; Fulton, 1,055.	7,627	186
Optical and photographic appli- ances.....	Rochester, 3,243.....	4,022	375
Cutlery.....	Walden, 1,142.....	2,876	364
Copper work.....	Rome, 1,212.....	2,382	362

The fact that in the majority of these industries the city's proportion is low shows that this tendency has been to its numerical disadvantage, and supports the accepted theory that there

is a general tendency in factory production away from the centers of commerce and population to special centers of manufacture.

In addition to these two centrifugal tendencies, the higher prices of land, higher taxes and higher cost of living to employees combine to keep or drive away manufacturing establishments from New York City. Cost of living is an uncertain factor, its effect depending upon whether or not it increases wages; but expensive land and high taxes must in every industry have a strong deterrent effect.

As a result of these two adverse forces or tendencies, we would expect that the proportion of the population engaged in manufacture in New York City would fall materially below the average for the State—it being a manufacturing State—and that the proportion in the crowded county of New York where prices of land, taxes, etc., are highest, would be still less. Conditions in similar commercial centers such as London and Liverpool would support this expectation. But as has been shown, the facts in New York City are directly contrary. New York City exceeds its proportion, and New York county in particular far exceeds it. We must, therefore, look for some peculiar forces that have led to this abnormal concentration.

The following are probably the principal forces that have brought manufacturing industries into the city, or have retained them in it.*

First. Immobility, i. e., the inability of certain old establishments, started on the outskirts of the city, to remove after the city's growth has enclosed them.

Any disadvantages that each may suffer from congestion are counterbalanced by the difficulties and loss that would be incurred in transferring plant and employees, both bound to the soil by many ties, to a new locality. The report does not furnish examples of the effect of this force; but the existence of many individual instances is sufficiently notorious to support the proposition that as the area of congestion spreads, it does not at once nor altogether drive before it those manufacturing industries which normally avoid congested districts, but often retains them to add to the congestion.

*I am indebted for the substance of this classification to "The Growth of Cities," Weber, Columbia University Studies in History, etc., Vol. XI.

Second. The advantages of a transportation center.

New York City, as a point of intersection of transportation routes and of transshipment from land to water and vice versa, is a most economical place for assembling divers materials for manufacture and for distributing products.

In combination with other advantages this force has drawn the following industries, among others, to New York City:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In State.	In New York City.
Furs and fur goods.	8,066	7,660
Lead pencils and crayons.	1,872	1,861
Canvas and sporting goods.	1,584	1,286
Coffee and spice roasting and grinding.	1,939	1,705
Paints, varnish, etc.	3,259	2,939
Articles of cork.	460	429
Cigars.	28,028	20,695
Cigarettes.	2,953	2,938
Flax, hemp and jute.	7,963	6,253
Sugar and molasses refining.	3,760	2,635
Mineral oil products.	2,944	2,119
Dyes, colors and inks.	2,098	1,587
Asbestos, graphite, etc.	1,880	1,313
Rubber and gutta percha goods.	4,883	3,077
Cabinet work, n. e. s.	3,225	2,348
Pianos, organs, etc.	13,163	10,134
Boat and shipbuilding.	5,466	3,933

Third. Labor advantages.

New York City contains an unusually large population of unskilled laborers, which is constantly being replenished and augmented by an unequalled immigration. This population is generally uneducated and poverty stricken. Its standard of living is of the lowest. And competition for employment among its members is most intense. They are, therefore, peculiarly subject to exploitation, sell their labor at the cheapest rates and submit to the most unfavorable conditions of employment. And there is always or almost always a surplus of unemployed left over for extraordinary or seasonal operations — a condition seldom found elsewhere. For special reasons peculiar to the predominating races the superabundance of labor is greatest in the industry group "Clothing, Millinery, etc." Consequently competition for employment therein is most severe, and there result — in spite

of the higher cost of living in the city — rates of wages and conditions of employment that defy competition elsewhere.

This condition is the chief attraction to the following industries:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In New York City.	In New York County.
Furs and fur goods.....	8,066	7,660
Fancy leather goods.....	5,501	5,043
Boots and shoes.....	21,274	7,385
Paper boxes and tubes.....	12,743	8,327
Games and novelties.....	1,707	1,659
Flax, hemp and jute.....	7,963	6,253
Silk and silk goods.....	12,857	7,512
Braids, embroideries and dress trimmings.....	8,284	8,084
Men's neckwear.....	3,178	2,998
Men's hats and caps.....	10,520	5,702
Suspenders and other furnishings.....	1,263	990
Tailoring.....	77,353	59,251
Dressmaking.....	83,341	78,868
Women's white goods.....	12,614	11,302
Infants' wear.....	2,549	2,549
Ladies' neckwear.....	4,809	4,559
Corsets, garters, etc.....	2,367	2,069
Artificial feathers and flowers.....	4,285	4,262
Millinery.....	10,235	8,569
Curtains, embroideries, etc.....	1,675	1,614
Quilts, comfortables, etc.....	296	285
Umbrellas and parasols.....	1,115	1,197
Cigars.....	28,028	20,695
Cigarettes.....	2,953	2,938

There is no such superabundance of skilled labor. In fact, owing to the entire neglect of industrial training in the American system of education, there is probably no part of the United States where there is a surplus or even a sufficiency of skilled manufacturing labor. But there is a better supply of skilled labor in the New York market than elsewhere. The greater part of highly skilled labor comes from abroad; and because it cannot in general be imported by contract it must be picked up from ordinary immigration. As New York City is the gateway for the bulk of immigration and the first resting place of a large part of it, local industries possess some advantage in securing this skilled labor and in the greatest variety. Moreover, merely from its size and from its centripetal attraction for the unemployed, the city usually holds the greatest number and variety of unemployed skilled laborers. The influence of these advantages is difficult

to trace; but it has been material in bringing about the establishment of and in maintaining at least some industries in the city, among which the following may be cited as examples:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In New York City.	In New York County.
Pianos, organs, etc.	13,163	10,132
Professional and scientific instruments.	2,306	1,415
Clocks and time recorders.	1,722	1,263
Jewelry and gold pens.	4,879	4,471
Lapidary work.	1,243	1,243
Plaster casts and ornaments.	803	762
Beveled glass and mirrors.	1,307	1,162
Lithographing and engraving.	9,827	8,127
Dyes, colors and inks.	2,098	1,587
Tobacco pipes.	1,641	1,495

Fourth. The advantages of convenience in delivery where productions are chiefly or largely for local consumption, as against the disadvantages of out of town products, i. e., expense and danger of transportation and delay and uncertainty in delivery.

This force is intensified in New York City by peculiar railroad terminal deficiencies and intra-urban traffic congestion. In estimating this influence not only the consumption of the resident enumerated population is to be calculated, but also that of the large and extravagant visiting population. This influence is controlling by itself in some instances, and in others in combination with some of the other forces elsewhere enumerated, in attracting the following industries:

INDUSTRY.	NUMBER OF PERSONS EMPLOYED.	
	In State.	In New York City.
Steam heat and power.	643	625
Electric light and power.	4,338	2,962
Malt liquors.	7,952	5,056
Artificial ice.	562	410
Confectionery and ice cream.	10,128	8,006
Bread and bakery products.	12,938	8,966
Crackers and biscuits.	4,278	3,427
Macaroni and food pastes.	688	511
Groceries, n. e. s.	4,609	2,274
Mineral and soda water.	1,549	1,081
Bottles and jars.	1,115	458
Pressed, blown and cut glass.	4,663	2,040
Beveled glass and mirrors.	1,307	1,162
Mirror and picture frames.	2,111	1,550
Paper boxes and tubes.	12,743	8,327

The force of convenience to the building trade alone is illustrated by the following table:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In State.	In New York City.
House trim.....	17,088	7,006
Artificial stone.....	419	173
Store, office and kitchen fixtures.....	4,265	2,441
Cabinet work, n. e. s.....	3,225	2,348
Fireproofing lumber.....	61	61
Architectural and ornamental iron work.....	4,536	4,212
Building glass.....	868	712
Gas and electric fixtures.....	3,166	3,080

Fifth. The advantage to manufacturing industries closely connected with other industries of propinquity to the latter.

This force includes the preceding, i. e., convenience of delivery and also something more, i. e., convenience of accessibility during any stage of manufacture, etc. This is well illustrated by newspapers. Their manufacture, i. e., preparing and printing the paper, must be carried on in close proximity to the professional work of gathering news, etc., and editing, and at a point convenient for prompt distribution through commercial channels. Another illustration is the jewelry industries, in which many forces tend to unite their manufacturing and commercial branches in one establishment and to locate that establishment at the commercial center.

The following are some different phases of this influence, with examples.

(a) Convenience for local repair, renewal, alteration or extension of articles, is illustrated by the following industries:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In State.	In New York City.
Railroad repairs.....	18,941	4,857
Laundries.....	17,422	9,807
Telegraph, telephone and fire alarm apparatus.....	9,472	7,197
Boat and shipbuilding.....	5,466	3,933
Cleaning and dyeing.....	1,846	1,604

(b) The attraction of dependent or subsidiary manufacturing industries to the same locality as those other industries which they serve, or upon the waste or by-product of which they are

dependent, may be sufficiently shown by the few following examples.

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In State	In New York City.
Clip sorting.....	2,711	1,696
Sorting waste paper.....	490	441
Glue, mucilage, etc.....	678	542
Cigar and fancy wood boxes.....	2,850	2,031
Cooperage.....	2,428	1,402
Dyeing, finishing, etc., of textiles.....	3,551	1,287
Smelting and refining.....	1,912	1,635

(c) The advantage, convenience or necessity of having the factory close to the commercial shop or market can be best shown under a commercial classification:

In custom work, by —

	NUMBER OF PERSONS ENGAGED.	
	In State.	In New York City.
Tailoring.....	77,353	59,251
Dressmaking.....	83,341	78,868

In job-work, by —

Printing and publishing.....	47,507	35,166
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In *retailing*, by the finishing, alteration and repair departments of stores. Originally the practice of maintaining such departments was material in only a few trades; but the "department-stores" have extended it over a wide field and to include incidentally much complete manufacture.

In *wholesale selling* by the widely prevailing practice in many of the clothing trades of assimilating their production to custom or "job-work" by manufacturing in lots under the "hurry orders" and directions of visiting buyers.

In estimating the influence of these forces the extent of orders for custom or "job-work" by visitors, both "shoppers" and commercial buyers, is to be counted.

All the industries included in the industry group "Clothing, Millinery, etc.," are examples of the effect of this influence; and also the specific industries enumerated in the following table:

INDUSTRY.	. NUMBER OF PERSONS ENGAGED.	
	In State.	In New York City.
Printing and publishing.....	47,597	35,166
Paper goods, n. e. s.....	5,474	4,819
Bookbinding and blank books.....	9,212	8,008
Lithographing and engraving.....	9,827	8,127
Mirror and picture frames.....	2,111	1,550
Traveling bags and trunks.....	1,628	1,266
Mattresses, pillows, etc.....	1,709	1,346
Cabinet work, n. e. s.....	3,225	2,348
Upholstery goods.....	2,719	1,488
Furniture and upholstery.....	17,445	6,584

Turning now to the causes of relatively excessive concentration in the congested districts of the city, we are forced to take New York county to represent the congested urban center, and the other counties to represent its suburbs. It would be more in accordance with actual conditions to take Manhattan borough alone for the congested district, and to class all the other boroughs as suburbs; but the figures, being collated in the bureau report by counties only, are not available for any better plan of comparison than that adopted.

We have seen that the principal forces operating against the city are operating particularly against its congested center, i. e., New York county, but that nevertheless manufacturing is particularly concentrated within that county. Therefore, the forces above enumerated which operate in favor of the city must also operate particularly in favor of that county. They may be considered in order in this connection.

First. Immobility is purely negative, acting only to prevent the full operation of the opposite forces. But such as it is, it operates in proportion to the number of establishments, and as there are more establishments in New York county than in all the other counties together, it affects New York county particularly.

Second. The advantages of New York City as a transportation center are peculiarly in favor of New York county. It has almost a monopoly of the city's railroad terminals, and it is the terminal of a large majority of the regular water transportation lines. Truckage from their terminals to the other counties is slow

and costly, owing to bridge and ferry congestion. It is only for goods imported by special charter or such as can be advantageously lightered from western railroad terminals and from terminal docks that the other counties are on an equal footing.

Third. The advantages of cheap labor are all with New York county. The colonies of recent immigrants are nearly all in that county. The immigrant clings to a home in the colony of his friends for many years, and he cannot be employed most economically at a distance from his home on account of the delay, uncertainty and expense of transportation. There is, therefore, often an abundance of cheap labor available in New York county when it is scarce in the suburban counties. This attracts many factories to New York county, and their existence there with their opportunities for employment aids in holding the immigrants within that county. In this way an endless chain of congestion is created.

Fourth. The advantages in delivery for local consumption cause manufacturing to concentrate in New York county out of proportion to its population, because its consumption is out of proportion to its enumerated population, for the reason that transients and visitors are concentrated in that county, and that a large proportion of the population of the other counties carry on their business and, therefore, live and consume during the day in New York county. The congestion at the bridges and ferries across the water barriers that separate New York county from the other counties is sufficient to make it uneconomical to manufacture in the latter for consumption in the former, to any material extent.

Fifth. The advantages of propinquity to other industries and businesses are all in favor of New York county, because in it is concentrated the major part of the city's commerce.

It therefore appears *a priori* that the main forces that operate to draw manufacturing to New York City also act particularly toward its most congested county.

Turning to the concrete side of this subject, Table 4 below shows the number of persons engaged in each industry group in New York City and in New York County respectively.

TABLE 4.—NUMBER OF PERSONS ENGAGED IN MANUFACTURE IN NEW YORK CITY AND NEW YORK COUNTY.

INDUSTRY GROUP.	NUMBER OF PERSONS ENGAGED.		Per cent in New York County.
	In New York City.	In New York County.	
Stone, clay and glass.....	14,762	6,815	46.2
Metals, machinery and conveyances.....	102,391	59,160	57.8
Wood manufactures.....	41,129	27,516	66.9
Leather and rubber goods.....	32,337	23,087	71.3
Chemicals, oils, paints, etc.....	18,547	9,010	48.6
Paper and pulp.....	1,761	795	45.2
Printing and paper goods.....	68,185	59,322	87.0
Textiles.....	30,141	16,512	54.8
Clothing, millinery, etc.....	204,519	178,094	87.1
Food, liquors and tobacco:			
Food and liquors.....	39,929	27,155	68.0
Tobacco.....	23,770	22,494	94.6
Total*.....	584,564	438,878	76.0

Following the form of comparison according to proportion of population, as New York county holds about 60 per cent of the population of the city, 60 per cent of the number of persons engaged in any industry is for comparison to be regarded as its normal proportion. In the four industry groups in which the city as a whole falls below its proportion of the state, namely, "Stone, Clay and Glass," "Paper and Pulp," "Metals, Machines and Conveyances" and "Textiles," the county likewise falls below its proportion of the city. They, therefore, maintain their position as centrifugal industries.

But among the specific industries included in these groups there are many exceptions—each of which may easily be traced to one or more of the causes of concentration before enumerated—of which the following are the principal:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In New York City.	In New York County.
<i>Stone, Clay and Glass.</i>		
Plaster casts and ornaments.....	762	738
Building glass.....	712	509
Beveled glass and mirrors.....	1,162	942
<i>Metals, Machines and Conveyances.</i>		
Gold and silver refining.....	71	59
Jewelry and gold pens.....	4,471	4,045
Lapidary work.....	1,243	1,141
Gas and electric fixtures.....	3,080	2,377
Architectural and ornamental iron work.....	4,212	2,873

* Includes two small industry groups not separately specified in the table.

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In New York City.	In New York County.
<i>Metals, Machines and Conveyances—Concluded.</i>		
Incandescent lamps.....	845	824
Brass and bronze castings.....	790	491
Brass and bronze ware, n. e. s.....	6,283	4,818
Metal goods, n. e. s.....	3,757	2,685
Wire work, n. e. s.....	2,753	2,163
Telegraph, telephone and fire alarm apparatus.....	7,197	6,902
<i>Textiles.</i>		
Braids, embroideries and dress trimmings.....	8,084	6,612

Another group "Chemicals, Oils, Paints, etc.," likewise falls below its proportion. This is due partly to the fact that the raw materials of these specific industries are inflammable and banished to the suburbs, and partly to the fact that they are largely imported in special charters and handled in water-front factories, for example:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In New York City.	In New York County.
Mineral oil products.....	2,119	34
Chemicals and drugs, n. e. s.....	3,328	1,590
Wood alcohol and essential oils.....	760	295
Matches and explosives.....	423	4

Two other groups, "Wood Manufactures" and "Leather and Rubber Goods," slightly exceed their normal proportion, owing to the fact that their principal industries are concentrated in New York county for the same reasons respectively that they are concentrated in the city—which reasons have been indicated in preceding tables. The following table shows the extent of the concentration in New York county of a few of these industries:

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In New York City.	In New York County.
<i>Wood Manufactures.</i>		
Canes, umbrellas and sticks.....	473	457
Tobacco pipes.....	1,495	962
Cigar and fancy wood boxes.....	2,031	1,865
Mirror and picture frames.....	1,550	1,245
Cabinet work.....	2,348	1,519
Pianos, organs, etc.....	10,131	8,836

INDUSTRY.	NUMBER OF PERSONS ENGAGED.	
	In New York City.	In New York County.
<i>Leather and Rubber Goods.</i>		
Furs and fur goods.....	7,660	6,310
Fancy leather goods.....	5,043	4,758
Canvas and sporting goods.....	1,286	1,099
Traveling bags and trunks.....	1,266	1,246
Pearl buttons, handles, etc.....	1,288	1,137
Mattresses, pillows, etc.....	1,346	1,294

There remain the three important industry groups, "Printing and Paper Goods," "Clothing, Millinery, etc." and "Food, Liquor and Tobacco," which Table 2 showed to be highly concentrated in the city. Table 4 shows that they are to even a greater degree concentrated in the county.

Of the group "Food, Liquors and Tobacco," food and liquors are manufactured in the county approximately in proportion to the local consumption of the total population, computed to include the day-working population from the suburbs and the visiting non-resident population. Any tendency of its food-producing factories to move to the suburbs is checked by the inconvenience in delivery caused by lack of prompt transit facilities. But 94.6 per cent of the persons engaged in the manufacture of tobacco are employed in New York county, principally on account of the local supply of immigrant labor.

The concentration in the group "Printing and Paper Goods" is shown by the following specific industries:

	NUMBER OF PERSONS ENGAGED.	
	In New York City.	In New York County.
Printing and publishing.....	35,166	32,280
Book binding and blank books.....	8,008	6,124
Lithographing and engraving.....	8,127	7,396
Paper boxes and tubes.....	8,327	6,338
Paper goods, n. e. s.....	4,819	4,141
Games and novelties.....	1,659	1,654
Sorting waste paper.....	445	425
Type and printers' material.....	276	271
Photography.....	504	495

It is obvious that convenience of propinquity to their closely correlated industries or businesses is the controlling factor in fixing the location of the factories in these industries.

But the most material factor in congestion is the group "Clothing, Millinery, etc." Table IV shows that 204,519 persons are engaged in the industries included in this group in New York City, 178,094 or over 87 per cent of whom carry on their work in New York county. This group is, therefore, both the most numerous and the most concentrated. The following are the figures for its most congested industries.

INDUSTRY.	NUMBER OF PERSONS ENGAGED.*	
	In New York City.	In New York County.
Tailoring.....	59,251	47,907
Dressmaking.....	78,868	75,046
Suspenders and other furnishings.....	990	990
Mens' neckwear.....	2,998	2,897
Women's white goods.....	11,302	9,213
Infants' wear.....	2,549	2,293
Ladies' neckwear, etc.....	4,559	4,551
Corsets, garters, etc.....	2,069	1,756
Artificial feathers and flowers.....	4,262	4,225
Millinery.....	8,569	7,972
Curtains, embroideries, etc.....	1,614	1,380
Umbrellas and parasols.....	1,107	1,106
Cleaning and dyeing.....	1,604	1,151
Clip sorting.....	1,696	1,467

Since these trades are the main factor in manufacturing congestion on the lower part of Manhattan Island, it is worth while to inquire further into the particular causes of their concentration there. Most important are the facts that work in these industries is highly seasonal, and that in large proportion the labor employed is unskilled. They, therefore, require a supply of cheap labor for irregular employment, such as is only to be found in the immigrant colonies of New York county. Other causes appear from an analysis of the different conditions of manufacture that exist in these trades. Work in these trades is carried on in the following different kinds of establishments, namely:

1. Regular factories, i. e., complete factory plants in the ordinary meaning of the term "factory." Such establishments tend to the suburbs, but their growth is checked by cutthroat competition from sweat-shops and by difficulties arising from the extreme seasonal variations in the quantity of the work.

* In the majority and most important of the above trades there are a large number of independent journeymen and "journeywomen" and homeworkers engaged, who are not included in the above figures.

2. Lofts in mercantile buildings and in wholesale mercantile establishments. Such factories are closely correlated with commerce and dependent upon sweat-shops and home workers for their overflow work in rush seasons. They are, therefore, naturally concentrated near the commercial center, the sweat-shops and the immigrant colonies.

3. Work shops in and auxiliary to retail stores; i. e., the finishing, alteration and repair departments incident to nearly all large retail stores in the clothing trades. Since patrons of such stores are "shoppers" who are accustomed to and demand prompt or rather almost immediate delivery, the manufacturing shops must be in or at least conveniently adjacent to the commercial shops. The concentration of retail stores in certain districts in New York county and its causes are too obvious to require demonstration or explanation.

4. Custom tailors and dressmakers' shop. Such shops in New York county supply the made-to-order trade not only of the residents of New York City, but also of a large proportion of the well-to-do population of the country. The work is almost always hurried, upon the demand of the individual customers, and must be subject to frequent inspection (trying on) by the customers. In practice, therefore, it has been found essential in these trades to have the work performed at or conveniently adjacent to the commercial shops.

5. Sweat-shops. This term is here used loosely — indeed it has no well-defined meaning — to describe a low grade of workshop in the clothing trades in which cheapness in every direction is the distinguishing feature. The sweat-shop is a many-specied parasite. In its lowest form it is simply a cheap garret or back room taken for a short period by a contractor who has there gathered a set of cheap laborers to take care of the overflow work from some established factory or factories. Some of the simpler operations in the processes carried on in such shops are often sub-contracted in turn to home-workers. From this lowest form the sweat-shop grades up to its highest stage where it merges into the decent factory. But in all its stages it is dependent, more or less, upon cheap quarters and propinquity to the commercial

center, established factories, the homes of the cheap laborers and the homes of the home-workers. These requisites are found more abundantly in New York county than in any other part of the city, and, therefore, sweat-shops flourish particularly in that county.

6. Homes. Home work is generally restricted to simpler operations, which in rush seasons the factories cause to have done by the unemployed members of the families of the poorer immigrants in their homes. This work is too cheap and too hurried to pay for or permit of distant transportation. It must, therefore, be performed near the factories. Therefore, in order that the home-workers may procure the work the homes must be near the factories. And as the factories and especially the sweat-shop factories require the home-workers to take care of their overflow work in rush seasons, the factories must be near the homes of the immigrants. And the opportunity thereby afforded for occasional earnings by members of the family who otherwise could earn nothing tends to keep the immigrant families fixed in their colonies near the clothing factories.

Thus many forces and conditions tend to attract the clothing trades to and to keep them in the congested center of New York County; and they react upon and intensify one another.

So much for the extent and causes of the concentration and congestion of manufacturing in New York City. In conclusion there is another question that may be briefly considered. New York City is primarily commercial. Its commercial center is the lower end of New York county — the lower half of Manhattan Island. This district is congested with commerce and residences; and in addition there are in the county as a whole — and in large proportion in this congested part — 76 per cent of the manufacturing population of the city, or 41 per cent of such population of the State. Those who have made a study of the evils of this congestion ascribe an important part of the blame to this intrusion of manufacturing into the commercial center, and question its need and advantage. With the material at present available, only a few comments are possible upon this interesting topic.

As has been indicated above, the city's life, growth and business require that certain manufacturing industries be carried on within a convenient distance; how short the distance must be depends upon the transportation facilities. In the more regularly planned cities like London, Paris and Berlin, with many unbroken radii and circles of intra-urban transportation, such factories have their proper positions outside of the congested center, yet within easy and rapid communication with that center and with the residential districts which they supply. But the conformation of New York City is unfavorable in this respect, and the factories for the congested center are almost necessarily forced to be within it. This condition can only be remedied by improving the means of interborough transportation both of goods and persons; of goods that factories may remove to the suburbs; of persons, that the working people of those workshops that must or will remain in the congested center may remove their homes to the suburbs.

But those industries which are attracted to the city and to the county solely or primarily by the supply of cheap immigrant labor are to be regarded differently. Under this head should be included the tobacco industries, and a large proportion of the trades or subdivisions of nearly all the industries in the group "Clothing, Millinery, etc." These industries, as we have seen (Table 4), are the most closely concentrated in the congested county, where they employ over 200,000 out of the 438,000 persons therein engaged in manufacture. Of these 200,000 all those engaged in custom work — which covers a large proportion in the clothing group — should not be classed in the category now being considered. The remainder — whose numbers cannot be estimated, but only guessed at to approximate 100,000 — may fairly be adjudged to work and live in the congested district to the city's detriment. The cause of this undesirable addition to congestion is immigration; and the remedy is a problem of immigration and of housing and distributing immigrants. It may be hoped, however, that the more strict and thorough enforcement of the tenant-factory and tenement provisions of the Labor Law, now prevailing, may in time indirectly alleviate this evil by dis-

couraging sweat-shops and thereby encouraging properly equipped clothing factories, which, as before stated, tend to the suburbs.

In this connection it is proper to add a few words concerning a remedy proposed by those interested in combating the evils of congestion, i. e., a prohibition of the future erection of factory buildings in the congested districts of the city. There are many objections to this proposal upon grounds of law and economics. But it is unnecessary to dwell upon them here because there is a more radical objection, namely, that the proposed remedy would not in any appreciable degree prevent the continuance of the concentration of manufacturing in the prohibited districts. Among the manufacturing establishments which are thriving and increasing in numbers in the congested parts of New York county there are comparatively few located in "factory buildings"; while an overwhelming proportion are workshops in loft buildings, in buildings established for other purposes and in commercial buildings in connection with commercial establishments, etc. And the majority of those in factory buildings were established before congestion reached their neighborhoods or have been drawn into the congested district by weighty advantages both to themselves and to the customers whom they serve.

DECISIONS OF NEW YORK COURTS.

Union Label Law.

Section 16 of the Labor Law makes the counterfeiting or imitating of a union label, properly registered with the Secretary of State, a misdemeanor and gives a union the right to "maintain an action to enjoin the manufacture, use, display or sale of counterfeit or colorable imitations" of its label. Under this law the Bakery and Confectionery Workers' International Union of America secured an injunction in March at the Kings Special Term of the Supreme Court. In granting the injunction, Justice Crane handed down the following opinion:

The Bakery and Confectionery Workers' International Union of America is a labor organization in existence since 1890. Having adopted a label for use in union made products, it amended the device in December 1903, adopting the label shown by the exhibit used on this motion. This law (Labor Law, §§ 15, 16) was fully complied with and the organization became entitled to the privileges and protection of its provisions. For instance, the law gave it a greater privilege than could have been obtained under the common-law trade-mark decisions. Under the latter the use of a similar design or device by another would only be enjoined when the public were likely to be deceived thereby, and the resemblance was such as to deceive a purchaser of ordinary caution. *Colman v. Crump*, 70 N. Y. 573. But by the Labor Law the use of a colorable imitation of the device adopted is prohibited, even though by the use of other words or names the public would not be deceived in believing that the products were union made. That is, the labor organization is entitled to the exclusive use of the label or device on all products of that nature which its members make, and others cannot use colorable imitations, even though associated with distinguishing words or names.

The defendant for two and a half years has used a label, also exhibited in the motion papers, which it is claimed is a colorable imitation of the labor union's device, and to enjoin the use of which this motion is made.

It is true that one has the words "Union made" printed by the side of the device, and the other "Pure Rye Bread, M. Friedman, 104 Boerum Place, Brooklyn, N. Y.," but the sole question, I believe, under the above statute is whether the device is a "colorable imitation" and not exclusively whether the public will be deceived. If we closely compare the figures and parts of these two labels, it would be absurd to say that they are alike and cannot be distinguished, or even resemble each other, but, when taken as a whole at the distance a purchaser would usually be from displayed goods, the devices by reason of position, shape, size and general appearance are so alike that one may fairly be said to be a colorable imitation of the other.

A baker can easily find out from the Secretary of State's office, if not elsewhere, what the labor union device is, and there can be no reason whatever why he should not adopt for his own a shape or symbol so unlike as to cause no question. If he were the first to use the device and the labor union subsequently adopted one similar, a very different question would arise. I cannot possibly see what harm can come to the defendant's business, as she uses her name on her labels, from changing the device so as to do away with this casual or general resemblance to that of the plaintiff's organization.

Certainly there are emblems enough to go around to every individual baker and room sufficient for defendant and her business without clashing over the resemblance of labels.

There is no reason to believe that defendant sought to imitate the union label and there is no proof of any attempt to deceive trade on her part, but that does not affect the question. Her label or device, confining my statement to the symbol, is like the plaintiff's in appearance, at a casual glance, and I think she should change it. *Myrup v. Friedman*, 58 Misc. 323.

Contract of Employment.

1. A cloak designer claimed to have made an oral contract with a manufacturer to last for one year and to begin at a future time. He went to work at the stipulated time but at the end of the week was discharged. He then brought suit for his wages for the balance of the year, and recovered in full. The First Appellate Department, however, unanimously set aside the judgment on the ground that an oral contract of employment for a year to commence at a future date is void under the Statute of Frauds, and, also, that the verdict was against the weight of evidence. *Stein v. Mendetz*, 125 App. Div. 561.

2. In an action upon an alleged contract of employment for eighteen weeks, where the plaintiff signed a receipt containing a printed statement to the effect that he was engaged by the week only, he is *prima facie* bound by the language; and it was error for the court to charge the jury that the mere fact that the receipt contained the clause did not bind the plaintiff, unless the clause was called to his attention or it was shown that he read it, and to refuse to charge, as requested by the defendant, that, in the absence of proof to the contrary, it was to be presumed the plaintiff knew what he was signing. *Morgenbesser v. Levy*, 58 Misc. 554.

Employers' Liability.

[Under this heading are reported all decisions of courts of record construing the Employers' Liability Law of 1902 or the Railway Liability Law of 1906 together with all decisions interpreting common law liability handed down by the Court of Appeals, or by the Appellate Divisions of the Supreme Court when final. Other decisions under the common law are not reported here unless special circumstances make them of unusual interest.]

LIABILITY FOR UNGUARDED MACHINE.

Plaintiff while operating a jointer was injured by his hand coming in contact with the knives of that machine, which were unguarded contrary to section 81 of the Labor Law. Suit was brought under the Employers' Liability Act and a recovery of \$200 damages granted plaintiff, which was unanimously affirmed

by the Fourth Appellate Department. Defendant contended that plaintiff by continuing at work had assumed the risk of his employment and waived the duty his master owed him to protect him from injury. It was held, however, that the Employers' Liability Act modifies the common-law rule so that an employee assumes only the necessary risks of his employment, which are only such risks as remain after the employer has exercised due care and complied with the laws for the greater safety of the employee. *Graves v. Stickley Co.*, 125 App. Div. 132.

LIABILITY FOR UNSAFE SCAFFOLD.

The Second Appellate Department in unanimously affirming a judgment of \$11,750 damages granted for the death of a painter who was killed by falling from an unsafe scaffold held, first, that a staging in a subway constructed by placing boards on joists which are fastened by hooks to the iron work to enable workmen to scrape and paint the iron work is a scaffold within the meaning of section 18 of the Labor Law; and, secondly, that where it appears that a painter working on such a scaffold, which had been erected by a gang of "riggers," stepped upon the unsupported end of a short plank resting upon the long planks which formed the scaffold, and that the short plank tipped up and precipitated him head foremost upon the track below, fracturing his skull, in the absence of proof that the short plank was placed on the scaffold by one of the workmen for his own convenience, the jury was justified in finding that it was a part of the scaffold as originally constructed. The master's duty is continuing. He must maintain, as well as furnish, a safe scaffold, and where it appears that the foreman knew of the position of the short plank, the jury may find that the master adopted it as a part of the scaffold. It is not error for the court to refuse to charge that it was the duty of the master to provide merely "a reasonably safe and secure scaffold," for the statute requires that it be "safe," not "reasonably safe." *Bower v. Holbrook, Cabot, and Rollins Corporation*, 125 App. Div. 684.

RAILWAY LIABILITY LAW OF 1906.

An electrical worker while employed by defendant was killed by being struck by a train. A watchman was employed by de-

fendant to give notice of approaching trains, but the watchman failed to give proper notice, with the result aforesaid. On trial, a recovery of \$3,500 was secured by plaintiff, and the First Appellate Department by a vote of three to two affirmed the award on the ground that under section 42a of the Railroad Law, which provides that in actions against railroad corporations to recover for personal injuries or death of employees, certain co-employees, having physical control or direction of the movements of a signal, switch, locomotive, train or telegraph office, etc., are vice-principals of the corporation and not fellow servants, the watchman was a "vice-principal" of the railroad, and the railroad company was, therefore, liable for plaintiff's injuries; and that the above mentioned statute, being a public statute, does not require a notice as a prerequisite to an action.—*Schradin v. New York Central Railroad Co.*, 124 App. Div. 705.

LIABILITY LAW OF 1902.

1. The plaintiff's intestate, a painter of sixteen years' experience, was killed by falling from a stepladder five and a half feet high which he selected for use at the direction of the defendant's foreman. The legs of the ladder were held from spreading by ropes instead of iron rods or side pieces. There was no proof as to what caused intestate to fall, and when last seen he was standing upon the extreme top of the ladder reaching out to paint the ceiling or upper part of the side walls. After the accident, the ladder was found unbroken. On trial, plaintiff was granted \$9,000 damages, but the First Appellate Department unanimously reversed the judgment, holding, first, that the evidence failed to show that plaintiff had established freedom from contributory negligence; and, second, that the notice in stating that the cause of injury was due to negligence in not providing a safe and proper place to work and in omitting to furnish safe and proper appliances and implements with which to work, did not meet the requirements of the Employers' Liability Act. While such notice need not state the defective conditions complained of, it must state what caused the injury and how the accident happened in such a way that the employer may be apprised of what took place and thus be enabled to make an intelligent investigation.—*Kennedy v. New York Telephone Co.*, 125 App. Div. 846.

2. In reversing a verdict of \$5,000 damages granted plaintiff for injuries, the Second Appellate Department held that "a notice of injury under the Employers' Liability Act, which states that 'the cause of the injuries which are the basis of the claim herein was your negligence and that of your superintendents and agents, and the negligent and defective erection and maintenance of the ways, works and machinery used in the work on which plaintiff was engaged,' is insufficient." The requirement that the "cause" of an injury must be stated in the notice means that the *facts* constituting the cause must be stated, not with the detail of a pleading, but so as to point out to the employer the facts causing the injury. A verdict cannot be sustained at common law where the case was tried and submitted to the jury on the theory that it was brought under the Employers' Liability Act.—*Glynn v. N. Y. C. & H. R. R. Co.*, 125 *App. Div.* 186.

3. In a suit for damages brought under the Employers' Liability Act the plaintiff was nonsuited on the ground that the notice of injury given in compliance with section 2 of the above statute was insufficient in that it failed to state the cause of injury. That part of the notice relating to the cause of the injury read as follows: "and specifically the negligent failure and omission of you, your agents and those to whom you had given the power of superintendence to furnish me with a safe and secure scaffold upon and from which to perform said work." This was held unanimously by the First Appellate Department to be a substantial compliance with the statute, and judgment was accordingly reversed.—*O'Donnell v. Parker Co.*, 125 *App. Div.* 475.

COMMON-LAW LIABILITY.

1. Plaintiff was sawing through a certain timber at a certain place in accordance with a direction from defendant's superintendent, thereby causing a platform on which the plaintiff was working to fall. It appeared that the superintendent knew hidden facts which made it appear that it was unsafe and dangerous to saw through the timber without providing for its support, but that plaintiff was unaware of these dangers and had not been warned of them by defendant's superintendent. At the trial court plaintiff was nonsuited and the Appellate Department affirmed the

judgment, but the Court of Appeals unanimously reversed the decision on the ground that it is a duty of an employer who has knowledge of a hidden defect and danger affecting the safety of an employee to communicate such knowledge to him, and the superintendent having been delegated the duty of acting for the corporation, was therefore the *alter ego* of the corporation.— *Connolly v. Hall & Grant Construction Co.*, 192 N. Y. 182.

2. A brakeman while operating a "wildcat" train was killed by the exploding of a car of dynamite. Contrary to the railroad company's rule, the dynamite was loaded on a car provided with an air brake, and attached to the end of the train instead of in the middle. At the trial court plaintiff was nonsuited, but the Appellate Division reversed the judgment on the ground that the jury might have found that the master was negligent in providing the car with an air brake and thus putting it beyond the power of its employee to comply with its rule with respect to the transportation of high explosives. The Court of Appeals, in turn, unanimously reversed the Appellate decision, holding that the facts failed to show any negligence by the defendant contributing to the accident but to clearly show that the rule of the defendant requiring the placing of cars containing explosives as near the middle of a train as possible had not been obeyed by the intestate's co-employees, and that whether the dynamite in the car would have exploded had the rule been obeyed and whether if it had intestate would have been injured thereby, are matters of pure speculation and therefore the death of the intestate was wholly the result of the negligence of his fellow servants, for which the defendant is not responsible.— *Kelly v. D., L. & W. R. R. Co.*, 192 N. Y. 203.

3. Plaintiff was ordered by defendant's foreman to use an emery wheel. This emery wheel consisted of a wooden core covered by a leather belt. After plaintiff had operated this wheel for a short time the belt flew off, the cause of defective construction. On suit plaintiff was awarded \$1,500 damages and the Second Appellate Department unanimously affirmed the award, holding that where a foreman directs a servant to use the only appliance available for certain work the master is liable for an injury resulting from a defect in its construction, though the de-

fect was not such as to be obviously dangerous.—*Huber v. Whale Creek Iron Works*, 125 App. Div. 184.

4. A tinsmith had been employed in stamping metal in a press operated by foot. He was transferred to another machine run by power, but which operated only when a foot pedal was pressed. He had been instructed as to the operation of the machine, and, while engaged in stamping metal, his fingers were caught between its dies. No defects in the machine were shown. An award of \$2,000 damages was made plaintiff, but the First Appellate Department unanimously reversed the judgment, holding that from the evidence plaintiff was not entitled to recover as the accident was due to contributory negligence, that he had been properly instructed, and that the danger was obvious.—*Steinberg v. Bender and Sons*, 125 App. Div. 564.

5. This case is an example of a large class of accidents in which no legal evidence exists to establish actual responsibility. In such case the employee, or, in case of death, his next of kin, being unable to show freedom from contributory negligence, bears all the burden of the injury. The Second Appellate Department, in unanimously affirming a nonsuit, states the law and facts as follows:

I think that the original disposition of this case was correct, because the plaintiff had failed to adduce any proof that justified the conclusion that her intestate was free from contributory negligence. There was no eyewitness to the accident. While we may infer that the intestate's hand was caught in the moving cog wheels of the machine and her fingers thereby cut off, all else is but conjecture and speculation aside from the testimony of the sister and fellow-servant of the intestate that two or three minutes after she had seen the intestate cleaning some part of the frame work of the machine she heard her sister scream, ran over to her and found her hand maimed.—*Lester v. Crabtree*, 125 App. Div. 617.

6. Plaintiff, a sixteen year old girl, was employed to feed an ironing machine or mangle run by shafting and belt. She had been working on the machine that hurt her for about ten minutes. She had worked on other similar machines in the place and understood how to feed them. The jury found that the guard had become unfastened at one end and, suddenly rising up, had allowed plaintiff's hand to go under and get between the drum and roller. A verdict of \$8,000 damages was returned for plaintiff, which was reduced by the court to \$3,500. After examining the evidence, the Second Appellate Department unanimously affirmed

the judgment. In the opinion written by Justice Gaynor the following interesting discussion of the law of assumption of risk occurs:

The law of assumption of risk by an employee arises, and can arise, only on some omission or breach of duty by the employer in his said obligation, instead of arising after he has fulfilled the same. If he fulfills his obligation, there are no risks for the law of assumption of risks by employees to apply to. The law of assumption of risks by an employee applies only to those risks for which the employer is liable unless the employee has assumed them. It does not apply to the risks which are inherent in the work, and therefore remain after the employer has done his duty. He is not liable for them at all; the law casts them on the employee. The employer may by contract assume such risks; but in respect of employees, the law of assumption of risks applies only to risks arising out of the neglect of the employer to do his duty to the employee. The employee does not assume the inherent risks; the law puts them upon him. The assumption of risk is a matter of contract (*Dowd v. N. Y., O. & W. R. Co.*, 170 N. Y. 459), i. e., the employer may by contract assume the inherent risks, and the employee may by contract assume risks caused by the employer's negligence or breach of duty to him; and this is the whole law of assumption of risks.—*Mansdell v. Conrad*, 125 App. Div. 634.

7. Plaintiff's intestate was killed while working on the construction of a tunnel under the East river. The iron plates used in constructing the tube, each weighing over a ton, were loaded on a car and propelled along a track having a grade of one and one-half per cent. The track ended in a pit. The car was propelled by hand and there was no brake or other device to stop the car and no buffer to prevent its running into the pit. The deceased was working in the pit when the car ran into it. The Second Appellate Department, by a vote of three to two, affirmed an award of \$6,000 damages, it being held that a judgment based on a failure of the defendant to furnish proper appliances should be affirmed, and that although the appliances were of the type in use among other contractors, it was no excuse, for the carelessness of others is no excuse for negligence.—*Evans v. Pearson and Son, Incorporated*, 125 App. Div. 666.

8. The Second Appellate Department unanimously affirmed a verdict of \$1,000 damages granted a plaintiff, on the ground that in an action to recover for injuries caused by a wagon driven by the defendant's servant colliding with a wagon driven by the plaintiff, a non-suit on the ground that the driver had borrowed his master's team for the purpose of drawing wood to his own home, and was, not at the time in the employ of his master, is properly denied where the servant admits that at the time he was not driving in the direction of his home, and it appears that he was hired

by the week. Under the circumstances, it was for the jury to say whether the driver was engaged solely in his own work or whether the loan of the team to draw the wood was not a mere incident to the cleaning up of the defendant's premises.— *Connell v. Havey*, 125 App. Div. 189.

RECENT LABOR REPORTS.

UNITED STATES.

Bulletin of the bureau of labor. Department of Commerce and Labor. July, 1907-May, 1908, Nos. 71-76, Washington, 1907-1908.

Leading articles: No. 71. Wages and hours of labor, 1890-1906; retail prices of food, 1890-1906.

No. 72. Italian, Slavic and Hungarian immigrants; economic condition of the Jews in Russia.

No. 73. Woman and child labor laws; factory inspection laws.

No. 74. Employers' liability in United States; foreign workmen's compensation acts.

No. 75. Wholesale prices, 1890-1907; industrial hygiene.

No. 76. Canadian industrial disputes act; what is done for the unemployed in European countries.

ILLINOIS.

Industrial accidents in Illinois for the six months ending December 31, 1907.

First report, bureau of labor statistics, David Ross, secretary. Springfield, 1908, 149 pages.

KANSAS.

Twenty-third annual report of the bureau of labor and industry for 1907.

W. L. A. Johnson, commissioner. Topeka, 1908, 351 pages.

Contents: Wage-earner statistics (wages, hours, cost of living, etc.), pages 1-100; labor organizations, pages 103-124; child labor and factory inspection, pages 125-148; industrial inspection, pages 149-217; strikes, labor difficulties, law enforcement and legal decisions affecting labor, pages 218-242; manufacturers by cities, pages 243-267; manufacturing and industrial concerns, pages 268-300; lead and zinc statistics, pages 301-310; proceedings of the tenth annual convention of the Kansas State Society of Labor and Industry, February 1908, pages 313-345.

MASSACHUSETTS.

Second annual report of the commission on industrial education, January, 1908. Charles H. Morsee, secretary. Boston, 1908, 682 pages.

This report covers the work of the commission since its first report, March, 1907, was issued. Special investigations of industrial and agricultural schools in Europe and the United States were made by the commission. Progress made toward the establishment of industrial schools in various Massachusetts centers is reported, and the report ends with recommendations for legislation for the furtherance of industrial education in Massachusetts.

Labor bulletin issued by the bureau of statistics of labor, edited by Charles F. Gettemy, chief of bureau. No. 60, June-July.

Contents: Labor legislation in Massachusetts, 1908; index of bills relating to labor at the legislative session of 1908; reduction in wages in Fall River; building trades department of American Federation of Labor; magazine articles on labor topics, 1908.

NORTH CAROLINA.

Twenty-first annual report of the bureau of labor and printing of the State of North Carolina, 1907. H. B. Varner, commissioner. Raleigh, 1908, 344 pages.

Contents: Law relating to child labor, page 7; condition of farmers, pages 9-88; condition of the trades, pages 89-109; miscellaneous factories, pages 110-196; cotton, woolen and knitting mills, pages 197-258; furniture factories, pages 259-274; the State's newspapers, pages 275-319; railroad employees, pages 321-335; bureaus of labor, pages 336-342.

WASHINGTON.

State of Washington, 1907; its resources, natural, industrial and commercial, published by the bureau of statistics, agriculture and immigration. Sam H. Nichols, secretary of state, ex-officio commissioner. Olympia, 1907, 242+56 pages and map.

WEST VIRGINIA.

Annual report of the department of mines for the year ending June 30, 1907. James W. Paul, chief. Charleston, 1908, xxxvi+511 pages.

FOREIGN COUNTRIES.

AUSTRALIA.

Official year-book of the commonwealth of Australia, containing authoritative statistics for the period 1901-1907 and corrected statistics for the period 1788-1900. Commonwealth bureau of census and statistics. Melbourne, 1908, 931 pages.

Besides statistics of the several states composing the commonwealth concerning population, agricultural and manufacturing production, finances, etc., the yearbook contains statistics of employees, woman and child labor, industrial unionism and industrial legislation.

New South Wales.—The industrial arbitration reports and records, New South Wales. Vol. VI, Part 4, 1907. Published under the direction of the honourable the attorney-general. Sydney, 1908.

New South Wales.—Second annual report of the director of labour, state labour bureau of New South Wales for year ended 30th June, 1907. Wm. F. Schey, director. Sydney, 1908, 36 pages.

The main work of the labor bureau of New South Wales is done in the behalf of the unemployed, either in helping them to find work through registration offices or in giving them work directly on one of the government farms until they are able to find work elsewhere.

Victoria.—Report of the chief inspector of factories, work-rooms and shops for the year ended 31st December, 1907. Melbourne, 1908, 125 pages.

Some important changes were made in the factories and shops act of Victoria in 1907. The special wage board system is for the first time extended to trades and business not connected with factories, such as the carting and driving, building and quarrying trades, provided a resolution is carried in both houses of parliament. Besides the inspectors reports the present report contains in appendixes returns of factories registered in 1906 and 1907, and returns for 1907 showing the average weekly wages and hours of work in the various trades for which special boards had been appointed.

FRANCE.

Conseil supérieur du travail. Dix-septième session. Novembre, 1907. Comptendu. Ministère du Travail et de la Prévoyance Sociale. Paris, 1908, 220 pages.

Subjects under discussion at the November session, 1907, of the Superior Labor Council of France, were: posting of labor laws; protection of wages in case of employers' failure; commercial rights of trade unions.

GERMANY. /

Statistisches Jahrbuch für das deutsche Reich, herausgegeben vom Kaiserlichen Statistischen Amt. Neunundzwanzigster Jahrgang, 1908. Berlin, 1908, 388+79* pages, maps and diagrams.

The 29th statistical yearbook for the German empire, besides general commercial and financial statistics, contains statistics of prices, insurance, accidents, employment, labor organizations and morbidity.

Streiks und Absperrungen im Jahr 1907. Statistik des Deutschen Reichs, Band 195. Bearbeitet im Kaiserlichen Statistischen Amt. Berlin, 1908. 92 pages, diagrams.

According to the German government report on strikes, 2,266 strikes were terminated in Germany in 1907 comparing with 3,328 in 1906. The strikers numbered 192,430 in 1907, and 172,218 in 1906. Three hundred and seventy-three strikes with 19,326 strikers were successful, 930 strikes with 101,798 strikers partly successful, and 963 strikes with 71,306 strikers failed. Two hundred and forty-six lockouts affecting 81,167 workers were ended in 1907, comparing with 298 lockouts affecting 77,109 workers in 1906.

Die Krankenversicherung im Jahre 1906. Statistik des Deutschen Reichs, Band 186. Bearbeitet im Kaiserlichen Statistischen Amt. Berlin, 1908, 33* +81 pages.

The report covers statistics of compulsory sickness insurance in Germany in the year 1906. The average number of persons insured against sickness in 1906 was 11,689,388, or nearly one-fifth of the population of the German empire. Disbursements for cases of sickness in 1906 were 241,743,604 marks, or an average of 20.60 marks per person insured. The workers contributed during the year 192,034,336 marks to the insurance fund and employers' contributions amounted to 84,630,276 marks. The income from all sources for the insurance fund in 1906 was 340,252,394 marks, and expenses, including cost of administration, 321,510,764 marks.

Die Regelung des Arbeitsverhältnisses bei Vergebung öffentlicher Arbeiten. Beiträge zur Arbeiterstatistik Nr. 6. Bearbeitet im Kaiserlichen Statistischen Amt, Abteilung für Arbeiterstatistik. Berlin, 1907, 400 pages.

The present volume reviews legislation in Germany and foreign countries governing the conditions of work on public contracts.

Protokolle über die Verhandlungen des Beirats für Arbeiterstatistik. Drucksachen des Beirats für Arbeiterstatistik. Verhandlungen Nr. 21. Berlin, 1908, 106 pages.

Proceedings of sessions of the German Labor Council, April 28-30, 1908.

Erhebung über die Arbeitszeit in gewerblichen Fuhrwerksbetrieben, Erhebungen Nr. 6. Fortsetzung der Erhebung Nr. 2 vom Januar 1904. Bearbeitet im Kaiserlichen Statistischen Amt, Abteilung für Arbeiterstatistik, Abschnitt I-VIII; im Kaiserlichen Gesundheitsamt, Abschnitt IX. Berlin, 1908, 151 pages.

The second volume of an investigation concerning hours of labor in the team and cab driving trades. The first volume was published in 1904. The second part of the present volume, published under the direction of the German health department, undertakes a study of health conditions and professional diseases of team and cab drivers, giving statistics of sickness and deaths taken from the insurance returns.

Die Weiterbildung des Tarifvertrags im Deutschen Reich. Beiträge zur Arbeiterstatistik Nr. 8. Bearbeitet im Kaiserlichen Statistischen Amt, Abteilung für Arbeiterstatistik. Berlin, 1908, XII+411 pages.

In 1906 the German Labor Bureau issued its first publication on collective agreements, in three volumes, covering the subject to the end of 1905. The present volume continues and completes the former publication, the intention of the Bureau being to issue annual statistics of collective agreements after 1907. Contents are: statistics of collective agreements in 1906; development of collective agreements in individual trades; technique of collective agreements; legal questions involved in collective agreements; international legislation concerning collective agreements.

Württembergische Jahrbücher für Statistik und Landeskunde, herausgegeben von dem Königlichen Statistischen Landesamt. Jahrgang 1907. Zwei Hefte. Stuttgart, 1907, I. 233+II. 206 pages, 3 maps.

The 1907 year book for the kingdom of Wurttemberg besides general statistics and information contains industrial statistics, an enumeration of work-people including women and children workers and statistics of hours of labor.

GREAT BRITAIN.

Report of an enquiry by the Board of Trade into working class rents, housing and retail prices, together with the standard rates of wages prevailing in certain occupations in the principal industrial towns of the United Kingdom; with an introductory memorandum. Board of Trade, London, 1908, liii+616 pages.

Report of an enquiry by the Board of Trade into working class rents, housing and retail prices, together with rates of wages in certain occupations in the principal industrial towns of the German empire; with an introductory memorandum and a comparison of conditions in Germany and the United Kingdom. Board of Trade, London, 1908 lxi+548 pages.

The above two volumes form the first and second parts of the enquiry now being conducted by the Board of Trade of Great Britain with regard to the cost of living and the well-being of the working classes in industrial towns in some of the principal industrial countries. The first volume deals with conditions in England; the second with conditions in Germany; the next to be issued shortly will deal with conditions in France.

Annual report of the chief inspector of factories and workshops for the year 1907. B. A. Whitelegge, chief inspector. London, 1908, xlii+321 pages.

ITALY.

Atti del consiglio superiore del lavoro. XI sessione. Febbraio 1908. Ufficio del Lavoro. Ministero di Agricoltura, Industria e Commercio. Roma 1908, 205 pages.

Proceedings of the 11th session, February 1908, of the Italian Superior Labor Council. Subjects under discussion were: Enforcement of the law concerning the weekly restday; revision of the list of dangerous diseases in connection with the enforcement of the woman and child labor laws.

NETHERLANDS.

Verslagen der Kamers van Arbeid over 1906. De Minister van Landbouw, Nijverheid en Handel, J. D. Veegens. 's-Gravenhage, 1908, 563+XVIII pages.

Report on the work of the Dutch chambers of labor for the year 1906.

NEW ZEALAND.

Seventeenth annual report of the Department of Labour, 1908. The Hon. J. A. Millar, minister of labour. Wellington, 1908, 1+117 pages; diagrams.

The report contains general report of secretary; reports of factory inspectors; statistics of working people, weekly wages, age and sex; industrial agreements, recommendations, awards and cases dealt with by Conciliation Boards and the Arbitration Court; returns showing number of cases dealt with in enforcing the workers' compensation for accidents act. The appendix contains diagrams showing the number of persons employed in the principal industries for the years 1895 and 1908; wages in certain groups of industries for the year 1906-1907; and number and annual increase of workers in factories from 1896 to 1908.

Awards, recommendations and decisions under the industrial conciliation and arbitration act. Vol. IX, Part 3. June, 1908. Hon. J. A. Millar, minister of labour. Wellington, 1908.

SPAIN.

Congresos sociales en 1907. Instituto de reformas sociales. Madrid, 1908, 232 pages.

The volume contains accounts of international and national conventions of workers and bodies concerned with social reforms, for the year 1907, ending with a chronological table of conventions reported. A similar volume was published before by the Spanish labor bureau for the year 1906.

Preparacion de las bases para un proyecto de ley de accidentes del trabajo en la agricultura. Instituto de reformas sociales. Madrid, 1908, 383 pages.

Basis for a projected law concerning compensation for accidents in agriculture.

Estadística de las instituciones de ahorro, cooperación y previsión en 1º de noviembre de 1904. Instituto de reformas sociales. Madrid, 1908, 152 pages and diagrams.

Statistics of savings institutions, co-operative and mutual insurance societies in Spain, in 1904.

SWEDEN.

Fabriker och Handverk. Kommerskollegii Underdaniga Berattelse for Ar 1906. Bidrag till Sveriges Officiella Statistik. Stockholm, 1908, XXXII+122 pages.

The report contains classified statistics of manufacturing establishments, number, age and sex of workers employed, value of products; also number of artisans and artisans' employees and value of their products. There were, as stated by the report, in 1906 in Sweden, 11,804 manufacturing concerns with 295,808 workmen, and 55,603 artisans employing 53,070 workers.

Kollektivaftal angående Arbets- och Löneförhållanden i Sverige. Arbetstatistik V. Kommerskollegii Afdelning for Arbetsstatistik. Stockholm, 1908, VII+479 pages.

The Swedish labor bureau publishes in the present volume a collection of collective trade agreements as to hours and wages by classified trades.

APPENDIX.

STATISTICAL TABLES.

- I. Unemployment in representative trade unions, January-June.
- II. Causes of idleness, January-June.
- III. Unemployment in representative unions in New York City, June.
- IV. Building operations in principal cities, April-June:
 - (a) New York City.
 - (b) Buffalo, Rochester, Syracuse and Troy.
- V. Prosecutions for violation of Factory Law, April-June.
- VI. Work of deputy factory inspectors, April-June.
- VII. Children's employment certificates issued in first and second class cities, April-June.
- VIII. Licenses for manufacturing in tenements, April-June.
- IX. Immigration at the port of New York, April-June.
- X. Emigration from the port of New York, January-March.
- XI. Accidents in factories, quarries and tunnel construction, April-June:
 - (a) Age and sex of persons injured.
 - (b) Causes and results (with results by industries).

TABLE I.—NUMBER AND PERCENTAGE OF UNEMPLOYED MEMBERS

INDUSTRIES OR GROUPS OF TRADES.	Unions.	MEMBERS REPORTING.					
		Jan.	Feb.	Mar.	April.	May.	June.
1. BUILDING, STONE WORKING, ETC.	54	30,396	29,817	29,929	29,262	28,845	28,687
Stone working.....	2	795	795	805	817	833	828
Building and paving trades..	47	27,307	26,748	26,860	26,136	25,733	25,680
Building and street labor....	5	2,294	2,274	2,264	2,309	2,279	2,279
2. TRANSPORTATION.....	35	17,046	17,124	16,426	16,368	16,330	15,772
Railways.....	24	6,366	6,344	6,476	6,163	6,132	6,940
Navigation.....	2	4,380	4,375	4,480	4,375	4,375	4,375
Teaming and cab driving....	5	3,725	3,430	3,470	3,430	3,523	3,497
Freight handling.....	3	1,375	1,475	1,475	1,500	1,525	1,490
Telegraphs.....	1	1,000	1,600	525	900	775	500
3. CLOTHING AND TEXTILES.....	19	10,958	10,803	10,849	11,173	11,143	11,045
Garments.....	12	7,894	7,849	7,795	8,035	8,005	7,895
Hats, caps and furs.....	3	979	969	934	968	968	960
Boots, shoes and gloves.....	2	1,700	1,700	1,800	1,860	1,850	1,850
Textiles.....	2	255	255	320	320	320	320
4. METALS, MACHINERY AND SHIP-BUILDING.....	26	9,154	9,105	8,712	8,693	8,682	8,540
Iron and steel.....	22	7,966	7,949	7,604	7,559	7,368	7,343
Other metals.....	3	512	506	508	484	664	597
Shipbuilding.....	1	656	650	600	650	650	600
5. PRINTING, BINDING, ETC.....	3	6,663	6,458	6,479	6,444	6,475	6,668
6. WOOD WORKING AND FURNITURE.	10	3,279	3,218	3,165	3,120	2,993	3,081
7. FOOD AND LIQUORS.....	12	4,399	4,374	4,379	4,343	4,351	4,346
Food products.....	7	1,828	1,806	1,812	1,809	1,864	1,857
Beverages.....	5	2,571	2,568	2,567	2,534	2,487	2,489
8. THEATERS AND MUSIC.....	3	1,492	1,584	1,571	1,530	1,470	1,530
9. TOBACCO.....	6	3,308	3,277	3,186	3,248	3,258	3,242
10. RESTAURANTS AND TRADE.....	11	3,429	3,472	3,429	3,493	3,459	3,422
Hotels and restaurants.....	6	2,469	2,534	2,498	2,566	2,535	2,500
Barbering.....	3	799	799	804	802	798	796
Retail trade.....	2	161	139	127	125	126	125
11. PUBLIC EMPLOYMENT.....	2	2,019	2,026	2,044	2,076	2,116	2,145
12. STATIONARY ENGINE MEN.....	5	3,295	3,177	3,228	3,264	3,275	3,201
13. MISCELLANEOUS.....	6	1,289	1,261	1,145	1,134	1,135	1,135
Paper and paper goods.....	2	439	440	318	305	309	309
Leather and leather goods....	1	140	131	120	117	114	114
Glass and glassware.....	2	523	512	529	525	525	525
Other trades.....	1	187	178	178	187	187	187
Total.....	192	96,727	95,696	94,542	94,148	93,532	92,814

OF REPRESENTATIVE TRADE UNIONS, JANUARY TO JUNE, 1908.

NUMBER IDLE.						PERCENTAGE IDLE.					
Jan.	Feb.	Mar.	April	May.	June.	Jan.	Feb.	Mar.	April.	May.	June.
16,888	16,794	16,032	12,361	11,058	10,400	55.6	56.3	53.6	42.2	38.3	36.3
660	651	683	406	311	231	83.0	81.9	84.8	49.7	37.3	27.9
14,961	15,126	14,382	10,751	9,567	8,999	54.8	56.6	53.5	41.1	37.2	35.2
1,267	1,017	967	1,204	1,180	1,170	55.2	44.7	42.7	52.1	51.3	51.3
6,933	6,567	6,673	6,097	5,888	5,106	40.7	38.3	40.6	37.2	36.1	32.4
447	364	563	419	369	428	7.0	5.7	8.7	6.8	6.0	7.2
4,326	4,376	4,480	3,975	3,675	3,200	98.8	100.0	100.0	90.9	84.0	73.1
1,326	1,133	1,040	1,140	1,254	1,156	35.6	33.0	30.0	33.2	35.6	33.3
435	545	540	488	550	307	31.6	36.9	36.6	32.5	39.1	20.6
406	150	50	75	40	15	53.3	10.0	9.5	8.3	5.2	3.0
4,830	4,742	5,081	5,544	5,421	4,988	44.1	43.9	46.8	49.6	48.6	45.2
4,643	4,368	4,711	4,674	4,385	4,289	56.8	55.7	60.4	58.2	54.8	54.3
115	194	250	207	331	214	11.7	20.0	26.8	21.4	39.4	21.8
116	140	65	600	600	400	6.8	8.2	5.6	32.4	32.4	21.6
56	40	55	63	55	55	19.6	14.0	17.2	19.7	17.2	26.6
2,755	3,187	2,820	3,251	3,068	2,724	30.1	35.0	32.4	37.4	35.3	31.9
2,467	2,711	2,482	2,832	2,516	2,380	30.9	34.1	32.6	37.5	34.1	32.4
132	226	88	169	302	144	25.8	44.7	17.3	34.9	45.5	24.1
166	250	250	250	250	200	23.8	38.5	41.7	38.5	38.5	33.3
1,411	1,402	1,413	1,398	1,441	1,441	21.2	21.7	21.8	21.7	22.3	21.6
1,288	1,484	1,319	1,212	1,122	1,130	39.3	46.1	41.7	38.8	37.5	36.7
501	463	511	471	479	469	11.4	10.6	11.7	10.8	11.0	10.8
336	300	532	314	328	323	18.4	16.6	18.3	17.4	17.5	17.4
166	163	179	157	163	146	6.4	6.3	7.0	6.2	6.2	6.9
68	76	80	153	601	661	4.6	4.8	5.1	10.0	40.9	43.2
428	536	469	594	419	296	12.9	16.4	14.7	18.3	12.9	9.1
296	325	592	439	368	396	8.6	9.4	17.2	12.6	10.6	11.6
262	280	659	405	336	363	10.6	11.4	22.4	15.8	13.3	14.6
33	35	31	53	31	32	4.1	4.1	3.9	4.1	3.9	4.0
1	2	2	1	1	1	0.6	1.4	1.6	0.8	0.8	0.8
33	22	29	23	21	15	1.6	1.1	1.4	1.1	1.0	0.7
111	106	109	106	81	98	3.4	3.3	3.4	3.2	2.5	3.1
142	220	308	307	185	289	11.0	17.4	26.9	27.1	16.3	25.5
.....	10	100	91	33	65	0.0	2.3	31.4	22.8	10.7	21.0
40	35	20	20	14	24	28.6	26.7	16.7	17.1	12.3	21.1
93	145	138	155	125	185	17.8	23.3	26.1	35.2	25.8	35.2
9	30	50	11	13	15	4.8	16.9	23.1	6.9	7.0	8.0
35,684	35,924	35,436	31,956	30,152	28,013	36.9	37.5	37.5	33.9	32.2	30.2

TABLE II.—CAUSES OF IDLENESS AMONG MEMBERS OF

INDUSTRIES OR GROUPS OF TRADES.	LABOR DISPUTES.					
	Jan.	Feb.	March.	April.	May.	June.
1. BUILDING, STONE WORKING, ETC.	235	159	130	213	49	.....
Stone working.....						
Building and paving trades.....	235	159	130	213	49	.....
Building and street labor.....						
2. TRANSPORTATION.....						
Railways.....						
Navigation.....						
Teaming and cab driving.....						
Freight handling.....						
Telegraphs.....						
3. CLOTHING AND TEXTILES.....		10	10	10	10	10
Garments.....						
Hats, caps and furs.....						
Boots, shoes and gloves.....						
Textiles.....		10	10	10	10	10
4. METALS, MACHINERY AND SHIPBUILDING..	22	24	44	40	13	12
Iron and steel.....	22	24	44	35	13	12
Metals other than iron and steel.....				6		
Shipbuilding.....						
5. PRINTING, BINDING, ETC.	94	83	84	73	77	74
6. WOOD WORKING AND FURNITURE.....						
7. FOOD AND LIQUORS.....					1	1
Food products.....					1	1
Beverages.....						
8. THEATERS AND MUSIC.....						
9. TOBACCO.....						
10. RESTAURANTS AND TRADE.....					30	50
Hotels and restaurants.....					30	50
Barbering.....						
Retail Trade.....						
11. PUBLIC EMPLOYMENT.....						
12. STATIONARY ENGINE MEN.....						
13. MISCELLANEOUS.....						
Paper and paper goods.....						
Leather and leather goods.....						
Glass and glassware.....						
Other trades.....						
Total.....	351	276	268	336	180	147

REPRESENTATIVE TRADE UNIONS, JANUARY TO JUNE, 1908.

DISABILITY.						ALL OTHER REASONS.					
Jan.	Feb.	Mar.	April.	May.	June.	Jan.	Feb.	Mar.	April.	May.	June.
382	338	256	330	321	328	16,271	16,297	15,646	11,818	10,688	10,072
5	8	2	6	4	4	667	643	681	388	307	287
379	330	254	322	317	324	14,347	14,637	13,965	10,216	9,201	8,975
						1,867	1,017	967	1,204	1,180	1,170
284	307	251	264	272	211	6,649	6,260	6,422	5,833	5,616	4,895
166	171	166	184	137	189	281	193	397	235	232	289
18	14	10	16	18	16	4,308	4,361	4,470	3,960	3,663	3,186
100	102	80	80	100	60	1,225	1,031	990	1,090	1,164	1,106
	20	26	16	23	17	456	528	616	473	627	590
						400	150	60	76	40	16
41	31	47	32	34	35	4,789	4,701	5,024	5,502	5,377	4,943
6	7	17	6	6	4	4,638	4,361	4,669	4,669	4,380	4,285
30	24	25	27	25	31	86	170	225	180	352	183
6		6				110	140	80	600	600	400
						66	30	46	63	46	75
195	169	143	184	255	239	2,538	2,994	2,633	3,027	2,800	2,473
139	119	93	134	205	179	2,306	2,668	2,345	2,663	2,298	2,189
66	60	60	60	60	60	10	132	228	164	302	134
						100	200	200	200	200	160
174	177	186	238	212	215	1,143	1,142	1,143	1,087	1,152	1,152
62	87	98	71	55	52	1,226	1,397	1,221	1,141	1,067	1,078
18	20	19	4	6	12	483	443	492	467	472	456
6	1	5			4	331	299	329	314	325	318
13	19	16	4	6	8	162	144	163	163	147	138
13	16	18	15	13	13	55	60	62	138	538	648
85	81	69	76	52	84	343	455	400	518	367	212
51	59	72	50	48	47	245	266	520	389	290	299
46	61	64	46	39	38	217	239	496	360	267	275
6	6	6	4	8	8	28	27	26	29	23	24
1	2	2	1	1	1						
33	22	29	23	21	15						
6	3	4	9	9	7	105	103	105	97	72	91
18	9	10	11	13	16	124	211	298	296	172	273
							10	100	81	33	56
1	1				1	39	34	20	20	14	23
8						86	146	158	186	125	186
9	8	10	11	13	16		22	40			
1,362	1,319	1,202	1,307	1,311	1,274	33,971	34,329	33,966	30,313	28,661	26,592

TABLE III.—IDLENESS IN REPRESENTATIVE UNIONS IN NEW YORK CITY AT THE END OF JUNE.

INDUSTRIES OR GROUPS OF TRADES.	Un-ions.	Mem-bers.	Num-ber idle.	Per-cent. idle.	IDLE ON ACCOUNT OF—		
					Labor dis-putes.	Disa-bility.	Other rea-sons.
1. BUILDING, STONE WORKING, ETC..	30	21,598	8,884	41.1	.....	193	8,691
Stone working.....	1	685	185	27.0	.....	.....	185
Building and paving trades....	28	18,749	7,629	40.2	.....	193	7,335
Building and street labor.....	3	2,164	1,170	54.1	.....	.....	1,170
2. TRANSPORTATION.....	8	5,111	1,368	26.8	.....	63	1,305
Railways.....	2	621	3	0.6	.....	3	.....
Teaming and cab driving.....	3	3,160	1,060	33.3	.....	60	1,000
Freight handling.....	2	940	300	31.9	.....	10	290
Telegraphs.....	1	600	16	3.0	.....	.....	16
3. CLOTHING AND TEXTILES.....	11	8,418	4,601	54.7	.....	27	4,574
Garments.....	8	6,966	4,191	60.2	.....	.....	4,191
Hats, caps and furs.....	2	802	210	26.2	.....	27	183
Boots, shoes and gloves.....	1	650	200	30.8	.....	.....	200
4. METALS, MACHINERY AND SHIP-BUILDING.....	14	5,817	1,772	30.5	4	146	1,622
Iron and steel.....	10	4,620	1,428	30.9	4	86	1,338
Metals other than iron and steel	3	697	144	24.1	.....	10	134
Shipbuilding.....	1	600	200	33.3	.....	60	160
5. PRINTING, BINDING, ETC.....	2	6,538	1,437	22.0	74	215	1,148
6. WOOD WORKING AND FURNITURE...	7	2,862	1,063	37.1	.....	52	1,011
7. FOOD AND LIQUORS.....	7	3,378	435	12.9	1	4	430
Food products.....	6	1,646	297	19.2	1	4	292
Beverages.....	2	1,833	138	7.6	.....	.....	138
8. THEATERS AND MUSIC.....	1	911	461	50.6	.....	.....	461
9. TOBACCO.....	2	1,828	210	11.5	.....	53	157
10. RESTAURANTS AND TRADE.....	4	1,802	270	15.0	50	35	185
Hotels and restaurants.....	3	1,720	270	15.7	50	35	185
Retail trade.....	1	82	.....	0.0	.....	.....	.....
11. PUBLIC EMPLOYMENT.....	1	1,842	13	0.7	.....	13	.....
12. STATIONARY ENGINE MEN.....	2	1,754	81	4.6	.....	6	75
13. MISCELLANEOUS.....	3	639	209	32.7	.....	1	208
Leather and leather goods.....	1	114	21	21.1	.....	1	21
Glass and glassware.....	2	625	188	35.2	.....	.....	185
Total.....	92	62,498	20,804	33.3	129	808	19,867

TABLE IV.—STATISTICS OF BUILDING OPERATIONS IN THE PRINCIPAL CITIES.

(a) Buildings Authorized in New York City in April, May and June, 1907 and 1908.

BOROUGH	NUMBER OF BUILDINGS AUTHORIZED.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS—			
	1907.	1908.	1907.	1908.	COMMENCED.		COMPLETED.	
					1907.	1908.	1907.	1908.
NEW BUILDINGS:								
Bronx.....	672	510	\$6,996,150	\$4,315,900	630	395	440	364
Brooklyn.....	3,214	1,468	25,765,735	8,513,903	2,869	1,355	1,390	1,431
Manhattan.....	390	184	31,745,750	31,885,771	282	147	368	213
Queens.....	1,365	952	5,791,418	2,806,961	879	730	706	642
Richmond.....	260	203	992,282	523,198	231	200	171	183
Total.....	5,901	3,317	\$71,291,335	\$48,045,733	4,891	2,827	3,075	2,833
ALTERATIONS:								
Bronx.....	190	241	\$239,435	\$316,747	176	232	143	194
Brooklyn.....	1,503	2,251	2,204,542	2,181,162	2,013	2,750	2,100	2,540
Manhattan.....	1,336	892	5,078,793	2,649,352	1,067	757	615	599
Queens.....	400	284	394,698	181,655	420	247	301	300
Richmond.....	202	198	177,380	96,096	196	192	194	193
Total.....	3,631	3,866	\$8,094,848	\$5,425,012	3,872	4,178	3,353	3,826
TOTAL OF NEW BUILDINGS AND ALTERATIONS:								
Bronx.....	862	751	\$7,235,585	\$4,632,647	806	627	583	558
Brooklyn.....	4,717	3,719	27,970,277	10,695,065	4,882	4,105	3,490	3,971
Manhattan.....	1,726	1,076	36,824,543	34,535,123	1,349	904	983	812
Queens.....	1,765	1,236	6,186,116	2,988,616	1,299	977	1,007	942
Richmond.....	462	401	1,169,662	619,294	427	392	365	376
Total.....	9,532	7,183	\$79,886,183	\$53,470,745	8,763	7,005	6,428	6,659

Number and Estimated Cost of New and Remodeled Tenement Houses Included in the Foregoing Table.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST.	
	1907.	1908.	1907.	1908.
NEW TENEMENTS:				
Bronx.....	179	81	\$3,690,500	\$1,971,700
Brooklyn.....	1,039	208	10,995,000	2,703,800
Manhattan.....	178	64	12,543,500	6,577,500
Queens.....	175	64	1,523,200	355,900
Richmond.....	1	.....	3,500	.....
Total.....	1,572	417	\$28,755,700	\$11,608,900
REMODELED TENEMENTS:				
Bronx.....	24	25	\$20,175	\$10,700
Brooklyn.....	195	142	144,963	139,166
Manhattan.....	735	428	1,537,800	625,280
Queens.....	32	38	14,741	10,835
Richmond.....	2	.....	3,100	.....
Total.....	988	633	\$1,720,779	\$785,981
TOTAL OF NEW AND REMODELED TENEMENTS:				
Bronx.....	203	106	\$3,710,675	\$1,982,400
Brooklyn.....	1,234	350	11,139,963	2,842,966
Manhattan.....	913	492	14,081,300	7,202,780
Queens.....	207	102	1,537,941	366,735
Richmond.....	3	.....	6,600	.....
Total.....	2,560	1,050	\$30,476,479	\$12,394,881

TABLE IV.—STATISTICS OF BUILDING OPERATIONS—(Continued).

(b) Buffalo, Rochester, Syracuse and Troy.

CITY AND PERIOD.	NEW BUILDINGS.		ADDITIONS AND REPAIRS.		ALL BUILDINGS.	
	No.	Cost.	No.	Cost.	No.	Cost.
BUFFALO.						
April.....	157	\$479,400	162	\$120,600	319	\$600,000
May.....	161	510,960	115	113,040	276	624,000
June.....	207	535,460	83	64,540	290	600,000
April-June, 1908.....	525	\$1,525,820	360	\$298,180	885	\$1,824,000
1907.....	605	1,999,685	429	505,015	1,034	2,504,700
1906.....	639	3,507,630	354	234,880	993	3,742,510
1905.....	647	2,003,987	409	366,250	1,056	2,370,237
1904.....	566	1,695,360	337	281,845	903	1,977,020
1903.....	406	2,443,250	229	210,786	635	2,654,036
1902.....	275	834,712	265	256,204	540	1,090,916
1901.....	206	396,888	118	109,096	324	505,984
1900.....	151	502,672	181	142,036	332	644,708
ROCHESTER.						
April.....	154	\$389,672	36	\$48,350	190	\$438,022
May.....	120	607,020	51	35,465	171	642,485
June.....	130	468,743	29	17,210	159	485,953
April-June, 1908.....	404	\$1,465,435	116	\$101,025	520	\$1,566,460
1907.....	487	1,787,835	149	269,195	636	2,057,030
1906.....	468	1,609,184	150	315,026	618	1,924,210
1905.....	428	1,689,257	140	156,868	568	1,846,125
1904.....	286	1,808,204	77	79,630	363	1,887,834
1903.....	192	464,222	71	46,204	263	510,426
1902.....	182	790,940	109	148,563	291	939,503
1901.....	131	387,373	96	116,536	227	503,909
1900.....	148	581,010	92	72,285	240	653,295
SYRACUSE.						
April.....	49	\$248,925	102	\$79,065	151	\$327,990
May.....	44	159,520	73	43,365	117	202,885
June.....	59	190,730	56	65,220	115	255,950
April-June, 1908.....	152	\$599,175	231	\$187,650	383	\$786,825
1907.....	218	989,530	263	342,663	481	1,332,193
1906.....	170	973,920	175	107,390	345	1,081,310
1905.....	148	549,425	172	119,838	320	669,263
1904.....	116	577,383	166	112,138	282	689,521
1903.....	95	578,470	125	99,840	220	678,310
1902.....	78	222,180	128	74,970	206	297,150
1901.....	103	422,708	186	110,376	289	533,084
1900.....	90	263,799	212	102,755	302	366,554
TROY.						
April-June, 1908.....	33	\$237,806	87	\$95,655	120	\$333,455
1907.....	37	243,400	80	62,905	117	306,305
1906.....	22	177,950	118	23,000	140	200,950

a Including an addition to the Post Office to cost \$110,000.

BUREAU OF FACTORY INSPECTION.

Table V.—Prosecutions for Violations of the Factory Law, April-June, 1908.

OFFENSE.	No. OF CASES. RESULTS OF COMPLETED CASES.									
	Total cases in court.	There-of begun during quarter.	CONVICTIONS.					Total completed.	Pending June 30.	Am't of fines.
			Total no.	There-of with fine imposed.	Dis-mis-sals or ac-quit-tals.	With-drawn.				
I. ADMINISTRATION.										
Failure to keep time book, giving name and address of female employees.....	1	1	.....	.....	1	.....	1	.....	.....	.....
II. SANITATION AND SAFETY.										
Failure to provide lights in halls, stairways or water-closets.....	3	.....	1	.....	1	.....	2	1	.....	.....
Failure to provide water-closets.....	8	2	3	1	4	.....	7	1	\$20	.....
Failure to keep water-closets clean.....	9	5	5	3	1	.....	6	3	65	.....
Failure to provide dressing-room.....	5	4	1	.....	3	.....	4	1	.....	.....
Failure to ventilate workroom.....	13	12	.....	.....	.....	.....	.....	13	.....	.....
Failure to provide exhaust fans.....	7	6	5	3	1	.....	6	1	65	.....
Failure to guard dangerous machinery.....	2	2	1	1	1	.....	2	.....	20	.....
Removal of notice from unsafe machine.....	1	1	.....	.....	1	.....	1	.....	.....	.....
Failure to provide hand-rail on stairs.....	2	1	1	1	.....	.....	1	1	40	.....
Failure to provide proper stairways.....	2	.....	.....	.....	2	.....	2	.....	.....	.....
Failure to keep factory door unlocked during work day.....	6	1	2	1	.....	.....	2	4	50	.....
Failure to whitewash ceilings.....	1	1	.....	.....	1	.....	1	.....	.....	.....
Failure to provide sufficient air space.....	1	1	1	.....	.....	.....	1	.....	.....	.....
Failure to paint ceiling.....	2	2	.....	.....	2	.....	2	.....	.....	.....
III. CHILDREN.										
Employing children under 14.....	22	7	13	8	4	2	19	3	210	.....
Employing children under 16 without Board of Health certificates.....	107	59	65	35	16	.....	81	26	845	.....
Employing children under 16 more than 8 (or 9) hours per day.....	38	17	22	10	3	2	27	11	220	.....
Employing children under 16 after 5 P. M.....	48	41	39	17	4	.....	43	5	400	.....
Failure to keep register of children employed.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....
IV. WOMEN AND MINORS.										
Employing women after 9 P. M.....	8	8	6	2	1	.....	7	1	40	.....
Employing women after 6 P. M. without posting notice, showing hours of labor.....	1	1	1	.....	.....	.....	1	.....	.....	.....
Employing women more than 10 hours per day.....	3	3	2	1	.....	.....	2	1	30	.....
Employing women more than 60 hours in one week.....	2	2	.....	.....	2	.....	2	.....	.....	.....
VII. BAKERIES.										
Permitting use of cellar as bakery without complying with Labor Law.....	2	2	.....	.....	.....	.....	.....	2	.....	.....
IX. WAGES.										
Failure to pay wages weekly.....	1	1	1	1	.....	.....	1	.....	31	.....
—	296	180	169	84	48	4	221	75	\$2,036	.....

BUREAU OF FACTORY INSPECTION.

Table VI.—Work of the Deputy Factory Inspectors.

	SECOND QUARTER, 1908.				Second quarter, 1907.
	Apr.	May.	June.	Total.	
Regular inspections:					
Factories in separate buildings.....	1,071	1,108	1,326	3,505	3,786
Tenant factories.....	2,078	1,639	1,760	5,477	6,300
Laundries.....	180	168	202	550	564
Bakeries.....	360	266	409	1,035	946
Mines and quarries.....	21	15	22	58	73
Tunnel workings.....	2	3	.....	5	.....
Tenant factory buildings.....	16	9	16	41	56
Tenement buildings (licensed).....	1,405	714	237	2,356	1,436
Total.....	5,133	3,922	3,972	13,027	13,161
Special inspections (factories, laundries, bakeries).....	95	74	85	254	330
Investigations:					
Applications for license.....	239	243	268	750	919
Complaints.....	54	57	46	157	186
Compliances (No. of establishments).....	1,709	1,704	1,631	15,044	19,692
On special orders.....	305	247	276	828	260
Total.....	2,307	2,251	2,221	6,779	11,057
Observations:					
Tenement buildings (unlicensed).....	597	404	544	1,545	1,852
Tunnel workings.....	9	14	16	39	.....
Tagging, to stop work:					
Goods in tenements (\$100).....	1	.....	7	8	55
Goods in tenant factories (\$95).....	33	35	16	84	114
Articles in bakeries (\$114).....	1	.....	.....	1	7
Unsafe machinery (\$81).....	1	.....	.....	1	.....
Scaffolding (\$ 19).....	.....	.....	.....	.....	.....
Total.....	36	35	23	94	176
Prosecutions begun†.....	59	68	53	180	*
Days or parts of days on court work.....	168	175	149	492	207
Hours spent in patrol work.....	108‡	69‡	230‡	408‡	*

Table VII.—Number of Children's Employment Certificates Issued by Boards of Health in First and Second Class Cities.

City.	SECOND QUARTER, 1907.				Second quarter, 1906.
	Apr.	May.	June.	Total.	
New York City:					
Bronx Borough.....	140	150	302	592	474
Brooklyn Borough.....	435	474	666	1,575	254
Manhattan Borough.....	954	991	1,685	3,630	3,462
Queens Borough.....	40	35	50	125	151
Richmond Borough.....	11	6	12	29	42
Total—New York City.....	1,580	1,656	2,715	15,951	14,383
Buffalo.....	56	58	146	260	445
Rochester.....	33	24	109	166	269
Syracuse.....	48	42	125	215	211
Albany.....	8	8	14	30	52
Troy.....	14	7	35	56	113
Utica.....	14	21	47	82	108
Yonkers.....	7	6	11	24	23
Schenectady.....	8	8	20	36	98

*Not reported.

† See Table V.

‡ In 1907 each visit to an establishment with reference to the same orders was counted as one investigation; in 1908 only the first visit, subsequent visits being reckoned as simply a part of the one investigation.

§ Includes "mercantile" as well as "manufacturing" certificates.

BUREAU OF FACTORY INSPECTION.

Table VIII.—Licenses for Tenement Manufactures.

	SECOND QUARTER, 1908.			Total Oct. 1, 1904, to June 30, 1908.
	New York City.	Remain- der of State.	Total.	
APPLICATIONS.				
Application pending March 31, 1908.....	39	.....	39	.....
Applications received.....	612	1	613	11,995
Total.....	651	1	652	11,995
ACTION TAKEN.				
(1) Applications for dwelling with- out clear record from local health or tenement-house au- thorities and therefore.....	refused	.....	.....	1,775
(2) Applications for dwellings with clear record from health and tenement-house authorities, investigated by factory in- spector and.....	granted refused suspended*	445 168 1	1 1	6,637 2,098 305
(3) Applications for shop build- ings investigated by factory inspector and.....	granted refused suspended*	6 1 1	..... 1 1	708 182 4
Applications previously refused in class 1 with subsequent report of compliance with orders of health or tenement-house authorities, investigated by factory in- spector and.....	granted refused suspended*	..... 2 1	..... 2 1	971 431 319
Applications previously refused or suspended in classes 2 or 3, sub- sequently re-investigated† and.....	granted refused suspended*	128 22 2	..... 22 2	1,920 1,190 480
Applications cancelled by applicant.....	.....	9	9	258
Applications duplicated.....	.....	.....	.....	27
Applications pending June 30, 1908.....	22	.....	22	22
NET RESULTS.				
Net increase or decrease in —				
Granted applications.....	579	1	580	10,236
Refused applications.....	79	.....	79	420
Suspended applications*.....	145	.....	145	864
Duplicated or cancelled applications.....	9	.....	9	453
OUTSTANDING LICENSES.				
Number March 31, 1908.....	8,766	514	9,280	.....
Cancelled at request of licensee.....	54	.....	54	420
Revoked for unlawful conditions.....	1	.....	1	11
Net increase.....	524	1	525	.....
Outstanding June 30, 1908.....	9,290	515	9,805	9,805

‡ a Not reported.

b Owing to a change in mode of recording, these figures do not correspond to those of previous reports. Applications once refused are frequently afterward suspended or cancelled. Heretofore these have continued in number of refusals. Now, however, they are taken out and counted in their respective classes.

* These are cases in which investigation showed no work being done or likely to be done on the premises and in which no call for the license was received after investigation.

† Suspended applications are sometimes granted without reinvestigation.

‡ Decrease.

TABLE IX.—IMMIGRATION AT THE PORT OF

(Compiled by the Bureau of Immigration and

	RACE OR PEOPLE.	SEX.		Total admitted.	AGE.	
		Male.	Female.		Under 14 years.	14 to 44 years.
1	African (black).....	381	422	803	71	700
2	Armenian.....	175	92	267	46	203
3	Bohemian and Moravian.....	461	557	1,018	203	772
4	Bulgarian, Servian, Montenegrin.....	239	46	285	31	245
5	Chinese.....	7	.....	7	.....	7
6	Croatian and Slovenian.....	548	426	972	169	771
7	Cuban.....	347	215	562	67	434
8	Dalmatian, Bosnian, Herzegovinian.....	215	55	270	16	251
9	Dutch and Flemish.....	1,030	744	1,774	455	1,171
10	East Indian.....	38	1	39	.....	35
11	English.....	2,983	2,363	5,336	773	3,776
12	Finnish.....	139	256	395	34	355
13	French.....	733	681	1,414	216	1,064
14	German.....	5,232	4,688	9,920	1,923	7,112
15	Greek.....	1,404	274	1,678	155	1,476
16	Hebrew.....	4,643	4,675	9,318	2,663	6,039
17	Irish.....	3,023	3,884	6,907	386	6,259
18	Italian (North).....	1,842	1,157	2,999	487	2,396
19	Italian (South).....	7,235	3,960	11,195	1,922	8,388
20	Japanese.....	16	2	18	.....	17
21	Korean.....	.....	.....	.....	.....	.....
22	Lithuanian.....	640	525	1,165	139	988
23	Magyar.....	879	862	1,741	399	1,264
24	Mexican.....	62	29	91	5	78
25	Pacific Islander.....	.....	.....	.....	.....	.....
26	Polish.....	2,342	2,214	4,556	837	3,526
27	Portuguese.....	396	199	595	99	445
28	Roumanian.....	215	70	285	30	236
29	Russian.....	736	177	913	81	791
30	Ruthenian (Russiak).....	444	328	772	92	648
31	Scandinavian.....	2,697	2,390	5,087	594	4,216
32	Scotch.....	1,287	1,097	2,384	428	1,694
33	Slovak.....	520	632	1,152	260	839
34	Spanish.....	762	197	959	81	818
35	Spanish-American.....	157	75	232	28	185
36	Syrian.....	330	160	490	72	401
37	Turkish.....	64	10	74	16	53
38	Welsh.....	212	159	371	55	271
39	West Indian (except Cuban).....	146	168	314	41	243
40	Other peoples.....	71	17	88	16	66
41	Grand total.....	42,649	33,797	76,446	12,890	58,233

* The number of immigrants destined to

Alabama.....	75	Indiana.....	461
Alaska.....	23	Indian Territory.....	17
Arizona.....	97	Iowa.....	969
Arkansas.....	63	Kansas.....	485
California.....	2,669	Kentucky.....	99
Colorado.....	638	Louisiana.....	236
Connecticut.....	1,893	Maine.....	158
Delaware.....	62	Maryland.....	341
District of Columbia.....	217	Massachusetts.....	3,418
Florida.....	59	Michigan.....	1,612
Georgia.....	63	Minnesota.....	1,516
Hawaii.....	6	Mississippi.....	23
Idaho.....	138	Missouri.....	906
Illinois.....	5,862	Montana.....	508

NEW YORK,* QUARTER ENDED JUNE 30, 1908.

Naturalization, Department of Commerce and Labor.)

45 and over.	ILLITERACY, 14 years and over.		Have been in the United States before.	Total debarred.	TOTAL ADMITTED, SECOND QUARTER, 1907.			
	Can read but cannot write.	Can neither read nor write.			Males.	Females.	Total.	
32		12	118	4	571	445	1,016	1
18		69	4	5	377	157	534	2
43	1	7	40	5	2,083	1,412	3,495	3
9		92	35	29	8,218	252	8,470	4
	1	6			5		5	5
32	1	194	92	4	10,950	2,198	13,148	6
61			314	3	365	212	577	7
3	1	82	15		3,129	125	3,254	8
148		25	126	19	3,276	1,626	4,902	9
4			5	2	10	1	11	10
787		19	1,192	16	6,761	3,790	10,551	11
6			43	3	2,177	899	3,076	12
134		31	218	17	1,339	1,061	2,400	13
885	7	407	825	94	17,149	10,496	27,645	14
47		373	129	21	19,318	559	19,877	15
616	11	2,097	182	59	15,665	12,722	28,387	16
262	2	48	480	24	7,408	5,003	12,411	17
116	2	141	357	30	13,573	3,157	16,730	18
885		4,585	1,306	155	78,854	15,132	93,986	19
1		2	5		8	3	11	20
					1		1	21
38	29	589	40	15	7,065	2,520	9,585	22
78	1	154	170	10	14,886	4,766	19,652	23
8			27	1	7	1	8	24
								25
193	97	1,457	229	29	37,844	13,541	51,385	26
51		254	57	1	931	414	1,345	27
19		100	12	4	5,416	419	5,835	28
41	2	333	23	19	3,715	450	4,165	29
32	4	330	69	28	5,699	1,778	7,477	30
277	3	3	472	16	10,289	4,875	15,164	31
262	3	4	357	8	3,832	2,088	5,920	32
53	6	193	162	6	8,060	3,661	11,721	33
60		101	267	4	1,053	268	1,321	34
17		3	65	1	154	90	244	35
19	5	175	50	26	948	355	1,303	36
5		25	14	1	834	9	843	37
45		4	52		519	234	753	38
30		2	109		181	178	359	39
6		27	26	25	722	15	737	40
5,323	176	11,944	7,687	684	293,392	94,912	388,304	41

each state or territory is shown below:

Nebraska	818	Rhode Island	548
Nevada	154	South Carolina	20
New Hampshire	106	South Dakota	454
New Jersey	4,364	Tennessee	91
New Mexico	44	Texas	208
New York	31,228	Utah	182
North Carolina	59	Vermont	181
North Dakota	782	Virginia	172
Ohio	2,452	Washington	654
Oklahoma	127	West Virginia	297
Oregon	336	Wisconsin	1,608
Pennsylvania	8,740	Wyoming	200
Philippine Islands	2		
Porto Rico	5	Total	76,446

TABLE X.—EMIGRATION FROM THE PORT OF

(Compiled by Bureau of Immigration and

	RACE OR PEOPLE.	SEX.		Total departed.	Under 14 years.
		Male.	Female.		
1	African (black).....	14	16	30	.....
2	Armenian.....	61	1	62	.....
3	Bohemian and Moravian.....	167	60	227	13
4	Bulgarian, Servian, Montenegrin.....	1,201	10	1,211	1
5	Chinese.....	1	.....	1	.....
6	Croatian and Slovenian.....	7,919	432	8,351	112
7	Cuban.....	81	30	111	10
8	Dalmatian, Bosnian, Herzegovinian.....	191	14	205	6
9	Dutch and Flemish.....	196	46	242	15
10	East Indian.....	2	.....	2	.....
11	English.....	413	185	598	29
12	Finnish.....	425	63	488	7
13	French.....	364	186	550	21
14	German.....	2,266	819	3,085	133
15	Greek.....	1,524	26	1,550	12
16	Hebrew.....	1,498	219	1,717	50
17	Irish.....	199	115	314	10
18	Italian (North).....	3,629	270	3,899	80
19	Italian (South).....	26,265	1,752	28,017	644
20	Japanese.....	12	.....	12	.....
21	Korean.....	.....	.....	.....	.....
22	Lithuanian.....	574	80	654	15
23	Magyar.....	7,480	997	8,477	175
24	Mexican.....	11	4	15	1
25	Pacific Islander.....	1	.....	1	.....
26	Polish.....	9,926	1,422	11,348	236
27	Portuguese.....	53	18	71	3
28	Roumanian.....	1,160	60	1,220	8
29	Russian.....	1,707	191	1,898	37
30	Ruthenian (Russniak).....	707	62	769	6
31	Scandinavian.....	609	221	830	27
32	Scotch.....	270	85	355	44
33	Slovak.....	5,756	825	6,581	131
34	Spanish.....	191	19	210	8
35	Spanish-American.....	29	10	39	7
36	Syrian.....	265	40	305	5
37	Turkish.....	351	11	362	2
38	Welsh.....	8	1	9	.....
39	West Indian (except Cuban).....	15	13	28	.....
40	Other peoples.....	133	1	134	1
41	Grand total.....	75,674	8,304	83,978	1,849

* The residence of emigrant aliens departing

Alabama.....	83	Indiana.....	1,077
Alaska.....	5	Indian Territory.....	19
Arizona.....	57	Iowa.....	122
Arkansas.....	24	Kansas.....	99
California.....	1,403	Kentucky.....	31
Colorado.....	1,000	Louisiana.....	66
Connecticut.....	1,918	Maine.....	79
Delaware.....	81	Maryland.....	225
District of Columbia.....	93	Massachusetts.....	1,920
Florida.....	75	Michigan.....	1,724
Georgia.....	32	Minnesota.....	659
Hawaii.....	.....	Mississippi.....	6
Idaho.....	80	Missouri.....	1,345
Illinois.....	5,913	Montana.....	207

NEW YORK,* QUARTER ENDED MARCH 31, 1908.

Naturalization, Department of Commerce and Labor.)

AGE.		CONTINUOUS RESIDENCE IN THE UNITED STATES.					
14 to 44.	45 and over.	Not over 5 years.	5 to 10 years.	10 to 15 years.	15 to 20 years.	Over 20 years.	
27	3	24	6	.....	.....	.....	1
56	6	39	18	5	.....	.....	2
189	25	154	67	3	1	2	3
1,164	46	1,141	70	.....	.....	.....	4
1	.....	1	.....	.....	.....	.....	5
7,639	600	6,362	1,919	44	21	5	6
91	10	82	21	4	4	.....	7
177	22	162	39	3	1	.....	8
201	26	194	32	6	3	7	9
2	.....	2	.....	.....	.....	.....	10
483	86	471	90	27	3	7	11
453	28	322	146	16	4	.....	12
446	83	349	136	24	18	23	13
2,675	277	2,396	557	50	43	39	14
1,449	89	1,305	225	15	5	.....	15
1,517	150	1,481	216	11	1	8	16
272	32	216	71	10	11	6	17
3,535	284	2,971	835	41	27	25	18
25,317	2,056	22,753	4,808	297	122	37	19
12	.....	7	5	.....	.....	.....	20
.....	.....	.....	.....	.....	.....	.....	21
598	51	545	103	2	4	.....	22
7,675	627	7,266	1,128	57	20	6	23
14	.....	11	4	.....	.....	.....	24
1	.....	1	.....	.....	.....	.....	25
10,366	746	10,081	1,150	70	40	7	26
58	10	53	11	4	1	2	27
1,130	82	1,143	75	2	.....	.....	28
1,731	130	1,670	210	11	5	2	29
703	60	658	98	8	5	.....	30
716	87	564	217	24	17	8	31
282	29	305	35	9	1	5	32
5,914	536	5,605	855	61	43	17	33
196	6	163	45	2	.....	.....	34
31	1	35	4	.....	.....	.....	35
271	29	197	98	7	2	1	36
341	19	326	30	2	4	.....	37
8	1	7	2	.....	.....	.....	38
24	4	28	.....	.....	.....	.....	39
127	6	122	10	2	.....	.....	40
75,882	6,247	69,212	13,336	817	406	207	41

from the Port of New York was as follows:

Nebraska	85	Rhode Island	349
Nevada	83	South Carolina	5
New Hampshire	126	South Dakota	32
New Jersey	4,330	Tennessee	50
New Mexico	62	Texas	50
New York	23,720	Utah	281
North Carolina	12	Vermont	112
North Dakota	46	Virginia	352
Ohio	5,857	Washington	431
Oklahoma	39	West Virginia	1,929
Oregon	113	Wisconsin	666
Pennsylvania	26,807	Wyoming	89
Philippine Islands	.....	Total	83,978
Porto Rico	.....	

TABLE XI.—ACCIDENTS IN FACTORIES, QUARRIES AND TUNNEL CONSTRUCTION,
APRIL-JUNE, 1908.

(a) Age and Sex of Person Injured.

CAUSE. [n. e. s.—not elsewhere specified.]	Under 16 years.	16-18 years.	18 years. +	Age not stated.	Total.	Male.	Fe- male.
MECHANICAL POWER.							
Transmission of power:							
Motors (engines, dynamos, fly-wheels, etc.)			27		27	27	
Air fans, steam pumps, etc.			8		8	8	
Gearing		6	57	1	64	53	11
Set screws		1	13		14	14	
Shafting		1	15		16	13	3
Belts and pulleys	1	5	87		73	68	5
Conveying and hoisting machinery:							
Elevators and lifts	2	9	41	1	53	51	2
Cranes (steam, electric, portable, etc.)			20		20	20	
Hoisting and conveying apparatus		1	170		171	170	1
Locomotives and trains			44		44	44	
Wood working machines:							
Saws		2	114		116	116	
Planers			21		21	21	
Jointers		1	18		19	19	
Shapers			10		10	10	
Lathes							
Heading machines			2		2	2	
Other wood working machines		1	22		23	22	1
Paper and printing machinery:							
Barkers		1	4	1	6	6	
Calendars and other paper making machines			37		37	36	1
Paper cutting, stitching and staying machines		9	50	1	60	31	29
Printing presses	1	6	18		25	23	2
Textile machinery:							
Picking machines		2	8		10	7	3
Carding machines		1	8		9	7	2
Spinning machines			7		7	2	5
Looms		4	31		35	14	21
Formers, knitting machines and other textile machinery	1	4	25	1	31	18	13
Sewing machines, etc.		1	14		15	8	7
Laundry machines			2		2	2	
Leather working machinery		2	22		24	22	2
Metal working machinery:							
Stamping machines		16	81		97	81	16
Drilling and milling machines		4	45	1	50	50	
Screw machines			6		6	6	
Lathes			24		24	24	
Drop and other power hammers			29		29	29	
Shears			13	1	14	14	
Rollers			15		15	15	
Others			74		74	73	1
Polishing machines:							
Contact with grindstones, emery wheels, etc.		1	16		17	17	
Struck by fragments of polishing wheels		1	36		37	37	
Other			29		29	29	
Machines used in bakeries, confectionery establishments, etc.		2	11	1	14	12	2
Machines not elsewhere specified	1	4	67		72	64	8
Total	6	85	1,321	8	1,420	1,285	135
HEAT AND ELECTRICITY.							
Explosives (powder, dynamite, etc.)		1	13		14	14	
Explosion and ignition of gases			35		35	34	1
Explosion of boilers and steam pipes			15		15	15	
Other injuries from steam and hot liquids		1	45		46	44	2
Cautics			16		16	16	
Explosion of molten metals		1	24		25	25	
Other accidents from molten metals		1	40		41	41	
Vats, pans, etc. (containing hot liquids or caustics)		2	11		13	13	
Electricity		1	70		71	71	
Fire and heat, n. e. s.		1	34		35	33	2
Total	8	303	303	8	311	306	5

TABLE XI.— ACCIDENTS IN FACTORIES, QUARRIES AND TUNNEL CONSTRUCTION,
APRIL-JUNE, 1908 — (Continued).

(a) Age and Sex of Person Injured — (Continued).

CAUSE. [n. e. s.=not elsewhere specified.]	Under 16 years.	16-18 years.	18 years. +	Age not stated.	Total.	Male.	Fe- male.
FALL OF PERSON.							
Fall from ladder, scaffold, platform, etc.			65		65	65	
Fall from machinery, trucks, engines, etc.		1	30		31	31	
Fall caused by collapse of support.		3	51		54	53	1
Fall through opening in floor.			9		9	9	
Fall in hoistway, shaft, etc.		1	11		12	12	
Fall on stairs, steps, etc.		2	16		18	11	7
Fall on level by slipping.		4	26	1	31	28	3
Fall on level by tripping.		1	16		17	15	2
All others.	1		35		36	36	
Total.	1	12	259	1	273	260	13
INJURED BY WEIGHTS.							
Falling rock and earth (quarry, excavating, etc.).			48		48	48	
Falling pile of material (lumber, coal, cement, etc.).		1	41		42	41	1
Falling walls, doors and other objects.	1	2	141		144	144	
Tools or weights dropped by person injured.		1	34		35	34	1
Falling objects dropped by other persons.			19		19	19	
Heavy materials or parts on which injured persons were at work.	1	1	97		99	99	
Machinery being moved.		1	23		24	24	
Fall of material from trucks in transit.		2	23		25	25	
Handling of castings, flasks, etc.		1	82		83	83	
Handling of stone, ore, etc.			23		23	23	
Handling of lumber, paper and other materials.	1	3	63	1	68	68	
Loading and unloading.			79	1	80	80	
Cause insufficiently described for classification.		1	34		35	35	
Total.	3	13	707	2	725	723	2
FLYING OBJECTS.							
Struck in eye by piece of metal, glass, etc.		1	92	1	94	93	1
Other injuries from flying objects.		2	21		23	23	
Total.		3	113	1	117	116	1
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.							
		1	66		67	67	
MISCELLANEOUS.							
Hand tools (hammers, knives, wrenches, files, etc.).		7	99		106	104	2
Tools in hands of fellow workmen.			28	1	29	29	
Injured while fitting and assembling, n. e. s.			23		23	22	1
Hand caught on nail, wire, sharp projection, etc.	1	2	71		74	70	4
Hand cut on glass.		1	11		12	12	
Injured by stepping on nail, silver, etc.		3	48		51	50	1
Inhalation of poisonous gases.			5		5	5	
All other causes.		1	34		35	35	
Total.	1	14	319	1	335	327	8
Grand Total.	11	136	3,088	13	3,248	3,084	164

TABLE XI.—ACCIDENTS IN FACTORIES, QUARRIES

(b) Causes

CAUSE. [n. e. s.—not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, fly-wheels, etc.)	27	3	.....	3	9	2
Air fans, steam pumps, etc.	8	1	.....	.....	2	.....
Gearing	64	26	.....	2	4	1
Set screws	14	3	.....	2	5	.....
Shafting	16	3	.....	.....	4	.....
Belts and pulleys	73	16	2	8	9	3
Conveying and hoisting machinery:						
Elevators and lifts	53	2	.....	1	15	1
Cranes (steam, electric, portable, etc.)	20	1	1	.....	4	2
Hoisting and conveying apparatus, n. e. s.	171	26	1	18	37	4
Locomotives and trains	44	4	.....	1	10	.....
Wood working machines:						
Saws	116	18	.....	15	4	1
Planers	21	1	.....	3	2	1
Jointers	19	4	.....	4	.....	.....
Shapers	10	4	.....	4	.....	.....
Lathes	.....	.....	.....	.....	.....	.....
Heading machines	2	1	.....	.....	.....	.....
Other wood working machines	23	1	.....	5	4	1
Paper and printing machinery:						
Barkers	6	.....	.....	.....	.....	.....
Calendars and other paper making machines	37	6	.....	2	6	.....
Paper cutting, stitching and staying machines	60	15	.....	5	7	1
Printing presses	25	7	.....	2	1	.....
Textile machinery:						
Picking machines	10	3	.....	.....	.....	.....
Carding machines	9	3	.....	.....	.....	.....
Spinning machines	7	1	.....	2	2	.....
Looms	35	10	.....	7	10	.....
Formers, knitting machines and other textile machinery	31	13	1	2	4	.....
Sewing machines, etc.	15	.....	.....	6	1	.....
Laundry machines	2	.....	.....	.....	.....	.....
Leather working machinery	24	7	.....	1	3	1
Metal working machinery:						
Stamping machines	97	13	.....	5	4	.....
Drilling and milling machines	50	9	.....	6	6	1
Screw machines	6	.....	.....	4	.....	.....
Lathes	24	3	.....	8	2	.....
Drop and other power hammers	29	3	.....	4	4	2
Shears	14	5	.....	1	3	.....
Rollers	15	4	.....	.....	2	.....
Others	74	11	1	10	7	1
Polishing machines:						
Contact with grindstones, emery wheels, etc.	17	4	.....	2	1	.....
Struck by fragments of polishing wheels	37	1	1	3	4	.....
Other	29	5	.....	8	2	1
Machines used in bakeries, confectionery establishments, etc.	14	2	.....	3	.....	.....
Machines not elsewhere specified	72	17	.....	15	11	2
Total	1,420	256	7	162	189	25
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.)	14	.....	2	1	1	.....
Explosion and ignition of gases	35	.....	28	.....	.....	.....
Explosion of boilers and steam pipes	15	1	5	1	.....	.....
Other injuries from steam and hot liquids	46	.....	42	.....	.....	.....
Caustics	16	.....	10	.....	.....	.....
Explosion of molten metals	25	.....	17	.....	1	.....
Other accidents from molten metals	41	.....	30	.....	.....	.....
Vats, pans, etc. (containing hot liquids or caustics)	13	.....	7	.....	.....	.....
Electricity	71	.....	32	.....	1	.....
Fire and heat, n. e. s.	35	.....	30	.....	.....	.....
Total	311	1	203	2	3	.....

AND TUNNEL CONSTRUCTION, APRIL-JUNE, 1908.

and Results.

DISABLEMENT.				Serious injuries prob- ably perman- ent.	PERMANENT DISABLEMENT.							Death.
Frac- tures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				In- ternal.	All other.	Total.	
					Limbs.	Hands or feet.	Fing- ers.	Eyes.				
.....	1	.....	18	3	1	.....	4	.....	.....	1	6	.....
.....	.....	.....	3	2	.....	.....	1	.....	1	1	3	.....
.....	2	1	36	11	1	1	12	.....	.....	3	17	.....
1	1	.....	12	1	.....	.....	.....	.....	.....	1	1	.....
1	3	1	12	1	.....	.....	1	.....	.....	.....	1	.....
6	12	1	57	6	.....	.....	4	.....	1	3	8	2
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
3	12	.....	34	5	1	1	.....	.....	1	7	10	4
.....	4	.....	12	5	.....	.....	2	.....	.....	.....	2	1
11	29	4	130	19	2	.....	9	.....	4	6	21	1
3	8	.....	26	6	1	.....	3	.....	.....	2	6	6
.....
1	1	.....	40	27	.....	1	42	.....	2	4	49	.....
.....	1	.....	8	2	.....	.....	9	.....	.....	2	11	.....
.....	.....	1	9	1	.....	.....	9	.....	.....	.....	9	.....
.....	.....	.....	8	1	.....	.....	1	.....	.....	.....	1	.....
.....	1	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	3	1	15	4	.....	1	3	.....	.....	.....	4	.....
.....	.....	.....	.....	3	.....	.....	3	.....	.....	.....	3	.....
1	5	.....	20	9	.....	.....	7	.....	.....	.....	7	1
.....	4	1	33	14	.....	1	11	.....	.....	1	13	.....
.....	3	.....	13	5	1	.....	5	.....	.....	1	7	.....
.....	.....	.....	3	2	3	.....	2	.....	.....	.....	5	.....
.....	.....	.....	3	3	.....	.....	3	.....	.....	.....	3	.....
.....	.....	.....	5	.....	.....	.....	1	.....	1	.....	2	.....
.....	.....	.....	27	4	.....	.....	2	.....	.....	2	4	.....
.....	2	1	23	.....	.....	.....	8	.....	.....	.....	8	.....
1	1	2	11	1	.....	.....	3	.....	.....	.....	3	.....
.....	1	.....	13	4	1	.....	5	.....	.....	1	7	.....
.....	1	.....	24	20	.....	.....	43	.....	.....	1	44	.....
.....	3	7	32	10	.....	.....	8	.....	.....	.....	8	.....
1	.....	.....	5	1	.....	.....	.....	.....	.....	.....	.....	.....
2	3	1	19	2	.....	.....	3	.....	.....	.....	3	.....
.....	4	1	18	9	.....	.....	1	.....	1	.....	2	.....
.....	2	.....	11	1	.....	.....	2	.....	.....	.....	2	.....
1	2	.....	9	4	.....	.....	1	.....	.....	.....	1	1
2	8	2	42	23	1	.....	4	.....	.....	4	9	.....
.....	.....	2	9	5	.....	.....	3	.....	.....	.....	3	.....
.....	3	17	29	6	.....	.....	1	.....	.....	1	2	.....
.....	1	2	19	9	.....	.....	1	.....	.....	.....	1	.....
.....	.....	.....	5	4	1	1	1	.....	.....	1	4	1
2	7	1	55	7	.....	.....	8	.....	.....	2	10	.....
37	128	46	850	249	14	6	226	1	10	45	302	19
1	3	1	9	2	.....	.....	.....	1	.....	.....	1	2
.....	.....	.....	28	5	.....	.....	.....	.....	.....	.....	.....	2
.....	3	.....	10	3	.....	.....	.....	.....	.....	.....	.....	2
1	1	.....	43	3	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	2	13	1	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	.....	19	5	.....	.....	.....	1	1	.....	2	.....
.....	1	.....	31	9	.....	.....	.....	1	.....	.....	1	.....
.....	.....	.....	7	2	.....	.....	.....	.....	.....	.....	.....	4
.....	4	14	51	13	.....	.....	.....	.....	.....	.....	.....	7
.....	.....	2	32	.....	.....	.....	.....	.....	.....	1	1	2
1	14	19	243	43	.....	.....	.....	4	1	1	6	19

TABLE XI.—ACCIDENTS IN FACTORIES, QUARRIES AND

(b) Causes and

CAUSE. [n. e. s.—not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.	65	4		1	12	
Fall from machinery, trucks, engines, etc.	31	2		1	9	
Fall caused by collapse of support.	54	3			9	
Fall through opening in floor.	9	2		1	2	
Fall in hoistway, shaft, etc.	12				3	
Fall on stairs, steps, etc.	18			1	2	
Fall on level by slipping.	31	2		5	7	
Fall on level by tripping.	17	2		1	3	
All others.	36	6		3	7	
Total.	273	21		13	54	
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.).	48	11		3	15	
Falling pile of material (lumber, coal, cement, etc.).	42	2	1	3	11	
Falling walls, doors and other objects.	144	35		18	52	
Tools and weights dropped by person injured.	35	4		8	18	
Falling objects dropped by other persons.	19	5		4	4	
Heavy materials or parts on which injured persons were at work.	99	12		8	39	
Machinery being moved.	24	5		1	5	
Fall of material from trucks in transit.	25	7		3	8	
Handling of castings, flasks, etc.	83	19		5	29	
Handling of stone, ore, etc.	23	3		3	6	
Handling of lumber, paper and other materials.	68	11		8	19	
Loading and unloading.	80	22		5	24	
Cause insufficiently described for classification.	35	2		3	7	
Total.	725	138	1	72	237	
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.	94	2	1	12	5	
Other injuries from flying objects.	23	5	1	8	2	
Total.	117	7	2	20	7	
Vehicles and accidents caused by animals.	67	12		1	21	
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.).	106	32		36	19	
Tools in hands of fellow workmen.	29	9		3	5	
Injured while fitting and assembling, n. e. s.	23	4		2	10	
Hand caught on nail, wire, sharp projection, etc.	74	18		27	2	
Hand cut on glass.	12	1		10		
Injured by stepping on nail, silver, etc.	51	36		5		
Inhalation of poisonous gases.	5					
All other causes.	35	1		4	5	
Total.	335	101		87	41	
GRAND TOTAL.	3,248	536	213	357	552	
TOTALS BY GROUPS OF INDUSTRIES.						
I. Stone, clay and glass products.	115	23	5	6	22	
II. Metals, machines and conveyances.	1,827	286	136	207	361	
III. Wood manufactures.	201	36	1	28	17	
IV. Leather and rubber goods, etc.	60	10	2	7	7	
V. Chemicals, oils, paints, etc.	93	7	19	4	9	
VI. Paper and pulp.	197	32	8	18	35	
VII. Printing and paper goods.	130	32	4	11	13	
VIII. Textiles.	214	52	9	32	35	
IX. Clothing, millinery, laundry.	26	1	5	5	2	
X. Food, liquors and tobacco.	163	19	14	32	22	
XI. Water, light and power.	44	4	4	6	4	
XII. Tunnel construction.	177	34	6	1	25	
XIII. Miscellaneous (elevator in tenant factory).	1					

TUNNEL CONSTRUCTION, APRIL-JUNE, 1908 — (Continued).

Results — (Continued).

DISABLEMENT.				Serious injuries probably perman- ent.	PERMANENT DISABLEMENT.							Death.
Frac- tures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				In- ternal.	All other.	Total.	
					Limbs.	Hands or feet.	Fin- gers.	Eyes.				
4	22	2	53	3	.....	.....	1	.....	2	2	5	4
2	6	1	28	1	.....	.....	.....	.....	2	.....	2	.....
9	16	1	47	6	.....	.....	.....	.....	1	.....	1	.....
.....	2	.....	9	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	1	1	8	.....	.....	.....	.....	.....	.....	.....	.....	4
1	9	.....	16	2	.....	.....	.....	.....	.....	.....	.....	.....
1	1	2	26	2	.....	.....	.....	.....	1	2	3	.....
1	2	1	17	.....	.....	.....	.....	.....	.....	.....	.....	.....
2	3	2	32	3	.....	.....	1	.....	.....	.....	1	.....
19	62	10	236	17	.....	.....	2	.....	6	4	12	8
2	10	.....	43	3	.....	.....	1	.....	.....	.....	1	1
2	10	2	34	2	.....	.....	.....	.....	2	1	3	3
7	8	4	127	9	.....	.....	2	.....	1	5	8	.....
2	2	.....	35	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	1	16	.....	.....	.....	.....	.....	.....	1	1	2
4	5	2	78	10	.....	.....	6	.....	4	1	11	.....
2	2	.....	17	4	.....	.....	2	.....	1	.....	3	.....
1	2	.....	22	1	.....	.....	2	.....	.....	.....	2	.....
5	6	1	76	3	.....	.....	.....	.....	2	2	4	.....
.....	3	.....	17	5	.....	.....	.....	.....	.....	.....	.....	1
1	5	2	55	7	.....	.....	4	.....	2	.....	6	.....
5	6	2	69	5	.....	.....	4	.....	.....	1	5	1
.....	10	1	25	5	.....	.....	1	.....	2	2	5	.....
31	70	15	614	54	.....	.....	22	.....	14	13	49	8
.....	1	35	56	25	.....	.....	.....	13	.....	.....	13	.....
.....	.....	2	18	3	.....	.....	.....	.....	.....	2	2	.....
.....	1	37	74	28	.....	.....	.....	13	.....	2	15	.....
3	8	3	54	9	.....	.....	1	.....	1	1	3	1
2	.....	5	96	8	.....	.....	1	.....	.....	1	2	.....
2	3	.....	22	3	.....	.....	2	.....	.....	2	4	.....
.....	1	2	21	2	.....	.....	.....	.....	.....	.....	.....	.....
1	2	8	59	13	.....	.....	.....	.....	.....	2	2	.....
.....	.....	.....	11	1	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	7	49	2	.....	.....	.....	.....	.....	.....	.....	.....
.....	2	2	4	.....	.....	.....	.....	.....	.....	.....	.....	1
1	6	3	27	4	.....	.....	.....	.....	.....	1	1	3
6	14	27	289	33	.....	.....	3	.....	.....	6	9	4
97	297	157	2,360	433	14	6	254	18	32	72	396	59
4	20	2	85	12	1	.....	6	2	2	2	13	5
53	143	104	1,383	236	5	.....	113	12	19	36	187	21
2	19	3	113	33	1	1	42	.....	2	7	53	2
5	5	1	39	6	1	.....	7	1	1	3	13	2
3	7	6	64	11	1	.....	7	.....	.....	2	10	8
6	29	5	144	29	.....	.....	16	.....	2	4	22	2
3	10	1	79	23	.....	2	20	1	1	3	27	1
6	12	6	156	20	3	25	2	5	35	3
.....	2	3	18	3	1	2	1	1	5
8	15	4	120	18	1	1	12	1	6	21	4
4	8	6	36	2	1	1	5
3	27	16	123	40	4	2	1	2	9	5
.....	1

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EDITORIAL SUMMARY.

Employment in September. Returns from all trade unions in the state for September, 1908, indicate that the percentage of idleness among organized wage workers decreased fully one-fifth during the third quarter of the year. But while conditions were improving during the third quarter, it nevertheless stands in very unfavorable comparison with the same period of former years. Not in a dozen years have the percentages of idleness in the third quarter been much over half as high as in 1908, while for most recent years the contrast is even greater. Out of 358,756 members reporting, 80,576 or 22.5 per cent were returned as idle at the end of September. The previous high record, since 1896, was 13.8 per cent in 1897 while since 1900 the highest figure was 10.5 per cent in 1907. The returns of causes of idleness show that it was solely "lack of work" which caused the excessive idleness of 1908. Conditions were not all equally unfavorable in different industries though nearly all are alike in very unfavorable contrast with previous years. Considering both idleness at the end of the quarter and continuous idleness throughout the quarter, of the four leading groups of organized trades, the building trades show the worst conditions, followed in order by the metal, clothing and transportation trades. The printing industry is noticeable as having suffered in 1908 less than any other of the more important industries represented.



Wages and Earnings. Organized workingmen not entirely idle averaged 66.3 days of work in the third quarter of 1908 (288,181 reporting) as compared with 72.4 days in 1907, or 72.1 days in 1906, or with 69.8 days in 1904, which is the lowest previous record since 1902. With amount of work thus reduced, earnings for the quarter inevitably declined and

averaged \$207 (for men) as compared with \$227 in 1907, with \$225 in 1906, or with \$219 in 1905. But the returns afford no evidence of any general or extensive lowering of union wages in 1908. On the contrary the average daily pay of those reporting employment in 1908 was \$3.12 or only one cent (seven-tenths of a cent exactly) less than the average in 1907, and of the thirteen different groups of trades represented in the returns seven actually show higher and two show as high averages for daily pay in 1908 as in 1907 and of the four showing a lower average only one — the building group — is notably important. So that, while exact inferences from these general averages are precluded owing to the fact that in 1908 there were 90,000 fewer workmen reporting who were scattered among the different industries and trades in widely varying proportions, the general fact is clear that the problem forced upon workmen by the industrial depression of 1908 was primarily that of unemployment rather than maintenance of existing wage rates.



**Labor
Unions.**

During the six months of April to September in 1908 the total union membership in the state decreased from 398,582 to 372,459, a loss of 26,123 members. This is the first time since 1904 that the spring and summer period has not witnessed an increase in the total union membership and only the third time in the last twelve years. The distribution of membership losses was very general in the various industries. Only four of the thirteen groups of trades, and those all minor ones, reveal any increase in membership and the gains in these were comparatively small except for an increase of over 4,000 in government employments caused by an exceptional number of new unions among municipal and postoffice employees in New York City. The bulk of the decline in aggregate membership occurred in the four leading groups comprising the building trades (— 11,060), the clothing trades (— 8,953), transportation (— 4,541) and the metal trades (— 4,025). Proportionate to the total membership of these groups the decline was heaviest in the clothing trades, with a decrease of 22 per

cent, followed by the metal trades, 12 per cent, building trades, 8 per cent, and transportation, 6 per cent. The losses in these four leading groups were divided between New York City and the remainder of the state, but proportionate to total membership the losses in the metropolis were heavier in the clothing trades especially, and also to some extent in building and transportation, but were not so heavy in the metal trades. The seven foremost trade union centers of the state, which are the first and second class cities except Utica and Yonkers, all show decreases in union membership, except Troy, where there was an increase due principally to growth of organization in the foundry trades and among team drivers.



**Factory
Inspection.**

The usual figures on factory inspection in the third quarter of 1908 reveal an amount of regular inspection work equal to the figures of the year before. Notable in 1908, however, are a smaller number of complaints requiring investigation (147 as against 236 in 1907), a marked decrease in number of applications for licenses for manufacturing in tenements in New York City (292 or just one-half the number in 1907), more frequent "tagging" of goods, especially to enforce sanitary conditions (140 as against 92 the year before), and most notable of all, prosecutions eclipsing in number all previous records (256 new cases as compared with the best previous record of 180 in the second quarter of 1908), especial attention having been given during the quarter to the canning industry, in which 69 prosecutions were instituted. Children's employment certificates were issued in very much smaller numbers in 1908 than in 1907 in all of the nine first and second class cities of the state except New York City, where a very heavy increase appears in Brooklyn Borough.



**Labor
Disputes.**

Strikes are, fundamentally, a test of the claims of employers or employees by an appeal to the labor market. When, therefore, that market is over-supplied, as in 1908, common prudence tends to deter from ap-

peals to such a test save as a means of defense against attacks of employers on existing conditions. It is not surprising, then, to find that the third quarter of 1908 was notably free from labor disputes. Only 39 strikes or lockouts were recorded by the Bureau of Mediation and Arbitration for that quarter as compared with 73 in 1907 or 1906 and 59 in 1905. The workers directly concerned in the disputes of 1908 numbered but 6,693, or less than a third of the number in 1907 and only one-half as many as in 1906. Further, most of the disputes of 1908 were of small dimensions. Only four caused the loss of as much as 2,000 days of working time as compared with 17 such disputes the year before. Quite overshadowing the others in importance was a general strike of employees of the International Paper Company in resistance of a proposed reduction of 10 per cent in wages, which is recounted at length in the Bulletin, and which finally resulted in a 5 per cent wage reduction. In the three months ended November 30, intervention by the State Bureau of Mediation and Arbitration occurred in 19 disputes. The Bureau's efforts in the chauffeurs' strike in New York City, as well as in the paper makers' strike, are described at length in the Bulletin.



**Court
Decisions.**

Three among the recent decisions of New York courts recorded in the Bulletin are of exceptional importance. All are decisions by the Court of Appeals. Two determine important points under the eight-hour law for public work while the third defines responsibility under the child labor law. The authority of the Legislature to regulate hours of labor on public work has never been in doubt, so far as the state constitution was concerned, since the constitutional amendment of 1905 expressly authorized such legislation. But the constitutionality of the penalty provided by the eight-hour law of 1906 for its enforcement, namely forfeiture of money due for the work done, has been questioned. In the case of *People ex rel. Williams Engineering and Contracting Co. v. Metz* the Court of Appeals affirms the constitutionality of that penalty and affirms also the constitutionality of the entire law under the

federal constitution. In the case of *Bohnen v. Metz* the contention of some workmen that the eight-hour law applies to the manufacture of materials purchased by a contractor for public building work as well as to the actual construction has now been unanimously negated by the Court of Appeals. The child labor law in prohibiting the employment of children under 14 years of age or those from 14 to 16 without certificates prescribes that no such child "shall be employed, permitted or suffered to work," etc. In the case of *People v. Taylor* the Court of Appeals holds that in the light of the other provisions of the Labor Law the responsibility for violation of this prohibition rests upon the proprietor of a factory and upon those of his subordinates who hire the children but does not apply to a superintendent who does not himself hire the children and who in good faith has given express direction against illegal employment of children.

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**Union
Old Age
Pensions.**

A new departure in American trade union benefits was taken by the International Typographical Union in 1908 by the inauguration of a system of old age pensions. The Bulletin presents an account of this movement which is of especial interest, both because of the increasing attention now being paid in this country to the general problem of industrial insurance and because of active interest in this form of old-age pension now manifest in other unions. In November there were 476 pensioners on the Typographical Union's rolls receiving pensions of \$4 per week; an assessment of one-half of 1 per cent on average weekly earnings of members had in eight months produced a fund of \$120,224; expenditures for three months amounted to \$19,193, and a balance of \$101,031 was on hand.

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**Compensation
and
Accidents.**

Accidents in factories, quarries and tunnel construction, reported to the Bureau of Factory Inspection in the third quarter of 1908 numbered 3,441 as compared with 3,248 in the second quarter. This in-

crease is probably to be accounted for by the larger numbers employed in the third quarter. Such a grim accompaniment of returning prosperity gives point to the Governor's recommendation in his annual message "that provision be made for special and expert inquiry into the questions relating to employers' liability and compensation for workmen's injuries." The Bulletin contains an article briefly reviewing the present situation with respect to the problem, pointing out the grievous burden imposed on workmen by accidents, the injustice and anachronism of the present law of liability as well as its wastefulness in practice, and the immediate pressure of the problem upon individual states for its solution.

STATE OF EMPLOYMENT, SEPTEMBER, 1908.

In the September, 1908, Bulletin it was remarked that partial returns for July and August indicated that the improvement in the state of employment there chronicled for the second quarter continued after June 30th. Complete returns from all labor unions in the state for the third quarter confirm that statement and afford a comprehensive view of the situation at the end of September.

On September 30, 1908, out of a total for all unions in the state of 358,756 members reporting 80,576 or 22.5 per cent were reported idle. On June 30 the percentage of idleness reported for 192 representative unions with 92,814 members reporting was 30.2. These two figures may be compared if it be noted that the percentages of idleness shown by returns for representative unions regularly exceed those for all unions on the same date by a little more than one point on the average.* With such allowance the indication is that the percentage of idleness among trade-unionists decreased fully one-fifth between the end of June and the end of September.

But while conditions improved during the third quarter of 1908 as compared with earlier months of the year, the quarter still stands in very unfavorable comparison with the same period of previous years as revealed in the following comparison in which it appears that not in a dozen years have the percentages of idleness in the third quarter been much more than half as high as in

* Following is a comparison of the two returns for the end of September for six years: ..

PERCENTAGE OF UNEMPLOYED MEMBERS OF LABOR ORGANIZATIONS AT THE END OF
SEPTEMBER. †

YEAR.	RETURNS FROM—		Excess for representa- tive unions.
	All unions.	Representative unions.	
1902.....	5.7	6.3	0.6
1903.....	9.0	9.4	0.4
1904.....	9.7	12.0	2.3
1905.....	4.9	5.9	1.0
1906.....	5.7	6.3	0.6
1907.....	10.5	12.3	1.8

1908, while in most recent years the contrast with 1908 is even greater.

NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE —

YEAR.	DURING THIRD QUARTER.		AT THE END OF SEPTEMBER.	
	Number.	Percentage.	Number.	Percentage.
1897.....	10,893	6.5	23,230	13.8
1898.....	9,734	5.7	22,485	13.1
1899.....	4,790	2.3	9,590	4.7
1900.....	12,926	5.4	31,460	13.3
1901.....	8,341	3.1	18,617	6.9
1902.....	6,291	1.9	18,381	5.7
1903.....	12,670	3.3	34,370	9.0
1904.....	9,175	2.4	37,390	9.7
1905.....	7,491	2.0	18,430	4.9
1906.....	7,354	1.9	21,573	5.7
1907.....	10,490	2.5	42,556	10.5
1908.....	46,117	12.8	80,576	22.5

The table below, showing causes of idleness at the end of September (*cf.* Table II of the Appendix) shows at a glance that the greater idleness of 1908 as compared with other recent years was wholly due to the condition of trade. Conspicuous is the relative insignificance in 1908 of idleness caused by labor disputes, the contrast with previous years in this respect being set forth in more detail in the statistics of strikes and lockouts in later pages of this Bulletin.

CAUSES OF IDLENESS AT THE END OF SEPTEMBER, 1904-1908.

CAUSE.	NUMBER				PERCENTAGE.			
	1905.	1906.	1907.	1908.	1905.	1906.	1907.	1908.
Lack of work.....	11,525	11,645	29,301	71,532	62.5	54.0	68.9	88.8
Lack of stock.....	655	753	1,752	2,043	3.6	3.5	4.1	2.6
Weather.....	739	666	569	500	4.0	3.1	1.3	0.6
Labor disputes.....	2,403	3,919	6,916	2,288	13.0	18.1	16.3	2.8
Disability.....	2,577	3,127	3,442	3,082	14.0	14.5	8.1	3.8
Other reasons.....	438	1,216	343	466	2.4	5.6	0.8	0.6
Reason not stated....	93	247	233	665	0.5	1.2	0.5	0.8
Total.....	18,430	21,573	42,556	80,576	100.0	100.0	100.0	100.0

The following tables reveal the varying conditions in different industries. In the second table the bulk of the idleness under the caption "All Other Causes" represents lack of work or idleness due to the general industrial situation, as comparison with the table of causes of idleness above will make plain. Conditions

vary greatly in different industries, but nearly all are alike in very unfavorable contrast with other recent years.

IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS: BY INDUSTRIES.

GROUPS OF TRADES.	AT END OF SEPTEMBER.					DURING THIRD QUARTER.				
	Num- ber.	PERCENTAGE.				Num- ber.	PERCENTAGE.			
		1908.	1907.	1906.	1905.		1908.	1907.	1906.	1905.
1. Building, stone working, etc.....	39,256	33.5	13.7	5.3	2.5	27,745	23.5	3.1	0.6	0.6
2. Transportation....	9,530	14.8	6.6	3.0	3.2	3,628	5.6	1.5	1.2	1.4
3. Clothing and tex- tiles.....	9,181	30.4	19.0	11.3	15.3	2,071	6.7	0.3	1.8	4.0
4. Metals, machinery, and shipbuilding	6,833	24.4	8.0	3.3	4.4	3,978	14.1	1.4	1.5	1.6
5. Printing, binding, etc.....	3,124	12.7	8.1	12.6	6.7	1,750	7.2	4.7	6.9	3.7
6. Wood working and furniture.....	2,146	21.1	9.8	4.9	7.0	1,122	11.8	5.4	3.0	2.8
7. Food and liquors..	1,588	10.9	6.7	5.4	9.3	897	6.2	2.5	2.3	5.5
8. Theaters and music	1,543	11.5	11.2	12.0	7.7	1,270	9.4	9.3	11.4	7.5
9. Tobacco.....	1,609	14.2	3.8	7.1	5.1	974	8.6	2.0	3.6	4.1
10. Restaurants, trade, etc.....	1,108	10.7	3.2	2.9	4.6	303	2.9	0.7	0.3	1.5
11. Public employment	923	6.2	10.0	2.6	1.8	758	5.1	1.0	1.4	1.7
12. Stationary engine- men.....	882	7.4	2.1	1.3	1.6	255	2.1	0.9	0.6	0.9
13. Miscellaneous.....	2,853	37.8	6.9	3.8	3.5	1,366	18.1	2.9	3.1	2.4
Total.....	80,576	22.5	10.5	5.7	4.9	46,117	12.8	2.4	1.9	2.0

NUMBER OF UNION MEMBERS IDLE AT END OF SEPTEMBER ON ACCOUNT OF—

INDUSTRY.	LABOR DISPUTES.			DISABILITY.			ALL OTHER CAUSES.		
	1906.	1907.	1908.	1906.	1907.	1908.	1906.	1907.	1908.
Building, stone working, etc	198	133	454	865	1,274	1,028	5,926	16,239	37,774
Transportation.....	225	1,555	43	395	541	522	1,195	2,574	8,965
Clothing and textiles.....	454	4,145	125	327	101	130	2,924	4,405	8,926
Metals, machinery and ship- building.....	483	307	228	461	394	411	254	2,352	6,194
Printing, binding, etc.....	2,420	251	279	412	493	281	542	1,381	2,564
Wood working and furni- ture.....	110	.....	41	173	94	114	337	1,091	1,991
Food and liquors.....	.....	7	15	59	89	133	663	863	1,440
Theaters and music.....	10	182	6	5	13	21	1,304	1,258	1,516
Tobacco.....	9	.....	.....	239	172	250	589	213	1,359
Restaurants, trade, etc....	4	20	.....	49	73	73	237	306	1,035
Public employment.....	.....	.....	.....	86	140	56	155	925	867
Stationary engine men.....	.....	54	121	24	26	17	143	217	744
Miscellaneous.....	6	262	976	32	32	46	258	374	1,831
Total.....	3,919	6,916	2,288	3,127	3,442	3,082	14,527	32,198	75,206

The building industry is conspicuous both because its percentages exceed those of other groups except the minor miscellaneous division, whose percentage for the end of the month exceeds that

of the building industry only by reason of the papermakers' strike which is recounted in following pages, and because the building group is the leading one represented by organized labor in this state (*cf.* statistics of union membership in a subsequent chapter). Of the four leading groups after building, only one exception to the common showing of far greater idleness in 1908 than in other late years appears. The printing industry did not escape the effect of the slackened industrial activity of 1908, but has been noticeable throughout the year as having suffered much less than the other leading industries represented in the returns. The clothing trades are conspicuous for a high percentage of idleness at the end of September, but are less conspicuous in respect of idleness during the entire quarter so that considering both items together the metal trades appear to have suffered most severely next after the building trades.

Not only in numbers idle but in the amount of time worked by those who had employment is the effect of industrial conditions in the third quarter of 1908 conspicuously evident. Organized working men not entirely out of work during the three months averaged 66.3 days of employment for the quarter as compared with 72.4 days in 1907 or 72.1 in 1906. Below is presented a comparison for the State and for each industry of 1908 with the last five years as to amount of employment in the third quarter. More detailed figures for 1908 are to be seen in Table I of the Appendix.

AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE THIRD QUARTER, 1903-1908.

INDUSTRIES.	Number employed, 1908.	AVERAGE NUMBER OF DAYS WORKED.					
		1908.	1907.	1906.	1905.	1904.	1903.
1. Building, stone working, etc.....	88,009	57.0	65.8	67.5	71.0	66.2	64.0
2. Transportation.....	56,616	77.2	84.6	84.0	83.0	80.0	82.2
3. Clothing and textiles.....	22,829	54.8	66.1	62.5	64.1	51.5	58.7
4. Metals, machinery, etc.....	22,867	62.8	72.3	72.6	72.8	70.2	71.5
5. Printing, binding, etc.....	21,547	65.9	71.3	68.9	70.2	68.5	69.8
6. Wood working and furniture.....	7,843	61.9	67.7	71.2	71.3	61.5	69.4
7. Food and liquors.....	13,385	75.7	76.0	74.8	73.2	71.5	78.3
8. Theaters and music.....	6,993	64.6	62.1	64.7	62.5	60.9	68.0
9. Tobacco.....	8,250	67.7	75.0	73.5	70.7	68.6	72.7
10. Restaurants, trade, etc.....	9,864	74.6	81.2	77.9	79.5	78.1	77.6
11. Public employment.....	12,353	86.4	84.1	85.4	87.9	83.8	82.2
12. Stationary engine men.....	11,572	81.7	85.1	83.7	82.7	78.9	79.9
13. Miscellaneous.....	6,053	60.6	69.1	69.6	73.5	73.0	67.9
Total — Men.....	288,181	66.3	72.4	72.1	73.7	69.8	70.7
Total — Women.....	9,635	59.2	69.0	68.4	68.2	62.9	68.9

WAGES AND EARNINGS, SEPTEMBER, 1908.

With amount of employment greatly reduced, as indicated in the preceding chapter, it was inevitable that the earnings of workmen in the third quarter of 1908 should be heavily reduced. The average for organized workmen in the quarter was \$207, as compared with \$227 in 1907 or \$225 in 1906. The average in 1908 was also lower than in 1905 but not lower than in earlier years. A similar unfavorable contrast between 1908 and previous years appears in a majority of the thirteen industries or groups of trades represented in the returns, notably in the four leading groups comprising the building, transportation, clothing and metal trades, with the decrease in the building trades most conspicuous of all both because of its amount (\$40 as compared with 1907), and the importance of the group.

AVERAGE QUARTERLY EARNINGS OF ORGANIZED WORKING MEN, IN JULY, AUGUST AND SEPTEMBER, 1901-1908—By Industries.

INDUSTRY.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
1. Building, stone working, etc.....	\$215	\$235	\$211	\$213	\$246	\$251	\$245	\$205
2. Transportation.....	177	170	178	189	210	219	222	213
3. Clothing and textiles.....	135	147	147	131	155	158	169	143
4. Metals, machinery and ship-building.....	200	200	193	203	214	223	224	196
5. Printing, binding, etc.....	227	217	220	222	226	227	241	223
6. Wood working and furniture....	187	180	185	172	197	209	201	186
7. Food and liquors.....	186	189	184	182	187	196	198	200
8. Theaters and music.....	337	344	304	291	300	294	484	493
9. Tobacco.....	138	146	145	136	145	149	158	138
10. Restaurants, trade, etc.....	156	151	153	165	174	176	180	175
11. Public employment.....	212	206	207	215	218	232	233	233
12. Stationary engine men.....	226	215	214	225	239	271	260	250
13. Miscellaneous.....	135	131	132	153	187	180	174	137
All Industries.....	<u>\$194</u>	<u>\$197</u>	<u>\$190</u>	<u>\$196</u>	<u>\$219</u>	<u>\$225</u>	<u>\$227</u>	<u>\$207</u>

The important question at once arises, whether this decrease in earnings was solely due to the lessened demand for labor which characterized 1908 or whether it was the result of lower wage rates combined with less work. Upon this point average earnings per day may be considered as in the following table.

AVERAGE WAGES RECEIVED FOR A DAY'S WORK BY MALE MEMBERS OF LABOR ORGANIZATIONS IN THE THIRD QUARTER, 1903-1908.

GROUPS OF TRADES.	1903.	1904.	1905.	1906.	1907.	1908.
1. Building, stone working, etc.....	\$3.29	\$3.22	\$3.46	\$3.72	\$3.72	\$3.60
2. Transportation.....	2.16	2.36	2.53	2.61	2.62	2.75
3. Clothing and textiles.....	2.51	2.54	2.41	2.52	2.55	2.61
4. Metals, machinery and ship-building.....	2.70	2.89	2.93	3.07	3.09	3.11
5. Printing, binding, etc.....	3.15	3.24	3.22	3.30	3.38	3.38
6. Wood working and furniture.....	2.66	2.79	2.77	2.94	2.97	3.00
7. Food and liquors.....	2.35	2.54	2.55	2.62	2.60	2.65
8. Theaters and music.....	4.47	4.78	4.80	4.54	7.48	7.63
9. Tobacco.....	2.00	1.99	2.05	2.03	2.11	2.03
10. Restaurants, trade, etc.....	1.96	2.11	2.19	2.25	2.21	2.34
11. Public employment.....	2.52	2.57	2.48	2.71	2.77	2.69
12. Stationary engine men.....	2.68	2.85	2.89	3.24	3.06	3.06
13. Miscellaneous.....	1.95	2.10	2.54	2.59	2.51	2.27
All trades.....	<u>\$2.69</u>	<u>\$2.80</u>	<u>\$2.97</u>	<u>\$3.12</u>	<u>\$3.13</u>	<u>\$3.12</u>

The remarkable thing shown in this table is that seven groups of trades show higher average daily pay in 1908 than in 1907, two show as high, while only four — building, tobacco, public employment and miscellaneous — show lower averages of which the building group alone is conspicuous for its importance. Two general facts at once raise a query as to the significance of these changes in the averages. One is the fact that a rise in wages is not to be looked for in a period showing such a prevailing amount of unemployment as has been portrayed in the preceding chapter. The other is that two-thirds of the unionists in the building trades are in New York City, where under the general Building Trades Arbitration Plan union agreements in those trades were very generally renewed for 1908 without any reduction in wage rates. These facts suggest the necessity of a close analysis of the figures before inferences may be safely drawn from them and a moment's consideration of the great changes in the composition of the bodies of workmen reporting in 1908, as compared with previous years, inevitably involved in the great reductions in union membership or in the members reporting employment, makes that necessity perfectly plain. Present space does not permit of such an analysis in the different groups of trades, but only of a warning against inferences in the absence of such detailed analysis. The possibilities in such analysis may be seen, for example, in Group I where the total number reporting earnings for 1908 was but 88,009 as compared with 129,940 in 1907, a reduction of nearly one-third in the number of workmen represented.

It will be seen that the changes in different groups so offset each other that the average for all trades together in 1908 is but one cent below the average in 1907 (actually the difference is but seven-tenths of one cent). Here again, in spite of the very much larger body of workmen represented, as compared with individual industries, the change in numbers reporting is so great as to preclude any exact inferences from the general average. Thus in 1907 the average represented 378,223 working men while that for 1908 represents only 288,181, or a difference of 90,042, scattered in varying proportions among the different industries and trades.* About the only inference which can surely be drawn from the general averages for the third quarter of 1908, therefore, is the negative one that they afford no evidence of any general or extensive lowering of wages. This, however, is sufficient to make it clear, in view of the showing as to unemployment in previous pages, that up to the close of September, at least, the problem forced upon workmen by the industrial depression of 1908 was primarily that of unemployment rather than maintenance of existing wages.

* For concrete illustration of the effects of mere changes in membership on average earnings see the June, 1908, Bulletin, p. 144. See this reference especially for comparison of 1908 with 1906 as to the effect on the general averages of the great difference in Group 8.

LABOR UNIONS IN SEPTEMBER, 1908.

The June, 1908, BULLETIN, chronicled a decline in the strength of organized labor in the State for the six months from October 1, 1907, to March 31, 1908. In the following six months (April 1 to September 30) there was a further decrease in number of unions and membership, though not so heavy a one in the aggregate as in the preceding fall and winter months. This is the first time since 1904 that the spring and summer period has not witnessed an increase in the total union membership in the state and only the third time in the last twelve years. For the six months 1908 shows a loss of 26,123 members as compared with an increase of 22,073 in 1907. Comparison with other years may be seen in the following summary:

NUMBER AND MEMBERSHIP OF LABOR UNIONS, 1897-1908, WITH SEMI-ANNUAL INCREASE.

YEAR.	ORGANIZATIONS.			MEMBERS.		
	March.	Sept.	Increase.	March.	Sept.	Increase.
1897.....	927	1,009	82	142,570	168,454	25,884
1898.....	1,048	1,087	39	179,955	171,067	*8,868
1899.....	1,156	1,320	164	173,516	209,020	35,504
1900.....	1,452	1,635	183	232,533	245,381	12,848
1901.....	1,742	1,871	129	244,851	276,141	31,290
1902.....	1,930	2,229	299	279,950	329,101	49,151
1903.....	2,362	2,583	221	357,102	395,598	38,496
1904.....	2,555	2,504	*51	399,699	391,676	*8,023
1905.....	2,420	2,402	*18	374,531	383,236	8,705
1906.....	2,411	2,420	9	394,270	398,494	4,224
1907.....	2,459	2,497	38	414,719	436,792	22,073
1908.....	2,451	2,444	*7	398,582	372,459	*26,123

It will be seen that the falling off in number of organizations was comparatively insignificant. This is due to an exceptionally large number of new unions of government employees which were formed during the period, chiefly among municipal employees and post-office clerks in New York City. New unions were organized in other industries, also, but in most of these the number of organizations which disbanded exceeded the number organized as may be seen in the following table:

*, * Decrease.

NUMBER OF LABOR UNIONS DISBANDED, AMALGAMATED OR ORGANIZED APRIL 1-SEPTEMBER 30, 1908.

GROUPS OF TRADES.	Reor- ganized.	Dis- banded.	Amal- gamated.	Total lapsed.	New organ- izations.	Net change.
1. Building, stone working, etc.....	4	21	2	23	14	-9
2. Transportation.....	5	11	1	12	15	+3
3. Clothing and textiles.....	1	11	..	11	7	-4
4. Metals, machinery, etc.....	..	16	1	17	2	-15
5. Printing, binding, etc.....	1	3	..	3	2	-1
6. Wood working and furniture....	..	1	3	4	1	-3
7. Food and liquors.....	1	2	2	4	3	-1
8. Theaters and music.....	1	..	..	..	4	+4
9. Tobacco.....	..	..	..	..	1	+1
10. Restaurants and retail trade....	2	9	..	9	8	-1
11. Public employment.....	1	4	..	4	27	+23
12. Stationary engine men.....	1	2	..	2	2	....
13. Miscellaneous.....	2	7	..	7	3	-4
Total.....	<u>19</u>	<u>87</u>	<u>9</u>	<u>96</u>	<u>89</u>	<u>-7</u>

The distribution of membership losses was very general in the various industries. Only four of the thirteen groups of trades in the Department's classification, and those all minor ones, reveal any increase in membership, and the gains in all of these were comparatively small except in Public Employment. A notable number of new unions in this group in New York City caused an increase of over 4,000 in its membership, chiefly among municipal street cleaners (nearly 1,600), school janitors (500), firemen, oilers and water tenders (450), and among the post-office clerks (nearly 900).

The bulk of the decline in the aggregate membership of the state is found in the four main groups, comprising the building, transportation, clothing and metal trades, as brought out in the following table:

CHANGES IN NUMBER OF LABOR ORGANIZATIONS AND MEMBERSHIP OF SAME IN NEW YORK CITY AND THE REMAINDER OF THE STATE, APRIL 1 TO SEPTEMBER 30, 1908.

GROUPS OF TRADES.	ORGANIZATIONS.		MEMBERS.		
	New York City.	Other places.	New York City.	Other places.	New York State.
1. Building, stone working, etc.....	-1	-8	-8,736	-2,324	-11,060
2. Transportation.....	+2	+1	-2,564	-1,977	-4,541
3. Clothing and textiles.....	-4	..	-8,550	-403	-8,953
4. Metals, machinery, etc.....	-2	-13	-1,701	-2,324	-4,025
5. Printing, binding, etc.....	+1	-2	-225	-150	-375
6. Wood working and furniture....	-4	+1	-671	-133	-804
7. Food and liquors.....	+1	-2	+110	+27	+137
8. Theaters and music.....	+1	+3	+327	+376	+703
9. Tobacco.....	..	+1	-182	+34	-148
10. Restaurants, trade, etc.....	+5	-6	+426	-116	+310
11. Public employment.....	+22	+1	+4,244	+110	+4,354
12. Stationary engine men.....	+1	-1	-734	-72	-806
13. Miscellaneous.....	+1	-5	+43	-958	-915
Total.....	<u>+23</u>	<u>-30</u>	<u>-18,213</u>	<u>-7,910</u>	<u>-26,123</u>

The largest absolute decrease was in the building trades (11,060), but proportionate to the total membership in the group (cf. Table III in Appendix) the clothing trades lost most heavily with a decrease of 22 per cent as against 8 per cent in the building trades. There was a decline of 12 per cent in the metal trades and of 6 per cent in the transportation trades. In all four of these leading groups the losses are divided between New York City and the remainder of the state. Proportionate to total membership in March, however, the losses in the metropolis were heavier in the building, transportation and clothing trades but not so heavy in the metal trades. The differences in the percentages are only two or three points except in the clothing trades in which the membership of Greater New York unions declined 27 per cent while in the remainder of the state the loss was under 5 per cent. All seven of the leading trade-union centers of the state, which together contain over 80 per cent of the state's unionists declined in aggregate membership, except Troy, where there was an increase of 12 per cent due principally to growth of organization in the foundry trades and among team and cab drivers. The largest loss proportionately to total membership was in Schenectady where nearly one-fifth of the union members dropped out, at least from the local organizations. About three-fifths of the union members in Schenectady are in the metal trades and it was in these trades that the bulk of the losses occurred. As the result of Schenectady's loss and the gain in Troy those two cities exchanged places in September in the order of leading trade-union centers. Rochester's loss of 10 per cent was principally in the building trades in which were above one-third of that city's trade unionists in March.

NUMBER AND MEMBERSHIP OF LABOR UNIONS IN LEADING CITIES.
ORGANIZATIONS. MEMBERSHIP.

CITY.				Decrease.			
	March.	Sept.	Change.	March.	Sept.	Number.	Per cent.
New York.....	681	704	+ 23	257,751	239,538	18,213	7.1
Buffalo.....	176	176	.....	30,427	28,813	1,614	5.3
Rochester.....	81	77	—4	14,295	12,854	1,441	10.1
Syracuse.....	85	82	—3	8,605	8,241	364	4.2
Albany.....	83	85	+ 2	8,315	7,999	316	3.8
Troy.....	49	49	.....	4,583	5,142	*559	*12.2
Schenectady.....	48	42	—6	6,100	4,896	1,204	19.7
Total.....	1,203	1,215	+ 12	330,076	307,483	22,593	6.8
All other places.....	1,248	1,229	—19	68,506	64,976	3,530	5.2
Grand total.....	2,451	2,444	—7	398,582	372,459	26,123	6.6

* Increase.

At the end of March, 1908, there were 25 individual trades which had 4,000 or more union members in New York State. Four of these — coatmakers, jacketmakers, stationary firemen and telegraphers — had by September fallen below the 4,000 mark. Two others, however, rose in the same period above that limit — bartenders, and roofers and sheet metal workers — leaving twenty-three trades in the list at the end of September, as follows:

NUMBER AND MEMBERSHIP OF UNIONS IN THE PRINCIPAL TRADES (SEPTEMBER).

TRADES.	UNIONS.				MEMBERS.			
	1894.	1906.	1907.	1908.	1894.	1906.	1907.	1908.
Carpenters and joiners....	86	184	194	197	9,021	29,710	32,841	27,296
Hod carriers.....	27	50	52	50	6,742	18,218	18,708	16,461
Painters and decorators...	25	98	102	102	4,458	13,525	14,384	12,413
Team drivers.....	1	†30	†41	†45	47	†5,728	†9,236	†12,046
Bricklayers and masons...	47	82	83	80	7,738	13,445	13,050	11,314
Cigarmakers.....	47	52	53	52	8,198	10,174	10,069	9,960
Musicians.....	17	37	40	44	4,584	7,873	8,738	9,657
Compositors.....	27	45	43	46	7,068	9,870	9,775	9,527
Trainmen.....	39	45	45	46	1,521	7,495	8,220	8,577
Stationary engineers.....	10	61	59	56	939	8,200	10,194	7,998
Brewery workmen‡.....	24	52	50	51	3,153	7,053	7,362	7,498
Machinists.....	17	57	58	57	1,180	7,709	8,886	7,027
Plumbers and gas fitters...	†11	48	54	55	‡3,895	5,920	6,314	5,724
Excavators.....	.....	2	2	3	.....	16,010	16,350	5,684
Iron molders.....	30	47	47	45	3,158	7,548	7,411	5,450
Actors and chorus singers...	2	7	6	5	393	3,486	5,363	5,256
Firemen, locomotive.....	31	42	44	44	2,439	4,759	5,034	4,870
Engineers, locomotive.....	34	41	43	44	3,241	4,364	4,725	4,863
Plasterers.....	4	14	15	15	2,703	6,286	5,798	4,529
Letter carriers.....	2	86	88	91	1,183	4,184	4,387	4,345
Bartenders.....	5	40	42	42	363	3,768	4,197	4,338
Electrical workers¶.....	2	38	41	39	666	4,928	4,601	4,295
Roofers and sheet metal workers.....	8	41	44	40	1,854	4,080	4,222	4,025

Only six of the trades in this list increased in union membership during the year ended September 30, 1908, and in only three of these — team drivers (+ 3,810), musicians (+ 919), and trainmen (+ 357) — did the increase exceed 150 members. On the other hand many trades in the list suffered heavy losses in the

† Includes commission wagon drivers, delivery wagon drivers, express and mail wagon drivers, ice handlers, truck drivers, etc.

‡ All branches, including grains workers and maltsters.

§ Includes steam fitters and helpers.

¶ Includes cable splicers and linemen.

year, which, in a number of cases, leave the membership in September, 1908, below the figures of two years before. Declines during the year of above 1,000 members appear in the unions of excavators (— 10,666), carpenters (— 5,545), hod carriers (— 2,247), stationary engineers (— 2,196), painters (— 1,971), iron molders (— 1,961), machinists (— 1,859), bricklayers and masons (— 1,736), and plasterers (— 1,269).

BUREAU OF FACTORY INSPECTION.

Tables VII to XI of the Appendix contain the usual quarterly statistics concerning factory inspection, including statistics of accidents reported to the Bureau. Regular and special "inspections" in the third quarter of 1908 equaled the number in the same quarter of 1907. "Investigations" as to compliance with orders (first visits only) numbered 5,347 which is fully equal to the proportion of first visits represented by the total of all visits (8,425) recorded for the third quarters of 1907.* Formal complaints requiring investigation numbered only 147 as against 236 in the previous year. On the other hand investigations of special matters were nearly double the number in 1907 (733 as against 381).

Prosecutions to enforce the factory law eclipsed all former records. No less than 256 cases were instituted in the three months making a total of 330 cases before the courts. The highest previous quarterly record of new cases was 180 in the second quarter of 1908. Summarized from Table X of the Appendix results of prosecutions in the third quarter were as follows:

PROSECUTIONS IN JULY, AUGUST AND SEPTEMBER.

SUBJECT OF LAW VIOLATED.	Total cases in court.	Cases com- pleted in quarter.	CONVICTIONS.		Dis- missed or ac- quitted.	With- drawn.
			With fine.	With suspended sentence.		
Factory sanitation and safety.....	41	11	1	.....	7	3
Child labor.....	253	103	24	37	39	3
Women and minors.....	34	31	5	2	16	8
Bakeries (special provisions).....	2	2	1	.....	1	.....
Total.....	<u>330</u>	<u>147</u>	<u>31</u>	<u>39</u>	<u>63</u>	<u>14</u>

"Tagging" of goods to stop work until the law is complied with was resorted to 140 times in the three months, as against 92 cases the year before. The larger number of cases this year is almost entirely due to larger use of this means of compulsion to enforce sanitary conditions in tenant factories. Unsafe machines were tagged four times and unsafe scaffolds three times.

* About 60 per cent. of all visits in 1908 were first visits.

Applications for licenses numbered but 292 or just one-half the number received in the same quarter of 1907. Licenses granted during the quarter numbered 359 while four were surrendered, making a net increase in licensed tenements of 355. This is a notably small increase. The average since 1905 up to the third quarter of 1908 was 580 per quarter with not less than 500 in any quarter except the second and fourth of 1906 when the figures were 408 and 492. The whole number of licensed premises has now passed the ten thousand mark, however, being 10,160 of which 9,644 are in New York City.

Children's employment certificates were issued in very much smaller numbers in the third quarter of 1908 as compared with 1907 in all of the nine cities of the first and second classes except New York. In the metropolis a large increase appears, as was the case in both the first and second quarters of the year, and again it is found that it is Brooklyn Borough which shows most of the increase.

During the third quarter of 1908 accidents in factories, quarries and tunnel construction work reported to the Bureau numbered 3,441 as compared with 3,248 in the second quarter or with 5,264 in the third quarter of 1907. In comparing these figures the varying industrial activity of the different periods must, of course, be considered. The returns cannot be said to throw any light on the question of whether accidents in factories are becoming more or less numerous. A condensed summary from Table VII of the Appendix is as follows:

NUMBER OF PERSONS INJURED, BY CAUSES, SEX AND AGE.

CAUSES	Total num- ber.	SEX.		AGE.				Not stated.
		Males.	Fe- males.	Under 16 yrs.	16-18 yrs.	Over 18.		
Mechanical power.....	1,416	1,308	108	10	99	1,293	14	
Heat and electricity.....	360	346	14	1	10	347	2	
Fall of person.....	296	285	11	3	9	280	4	
Injuries by weights.....	761	760	1	1	18	738	4	
Flying objects.....	158	158	....	....	3	153	2
Vehicles, etc.....	52	51	1	....	2	50	....
Miscellaneous (including hand tools)...	398	391	7	3	15	378	2	
Total.....	3,441	3,299	142	18	156	3,239	28	

NUMBER OF PERSONS INJURED, BY INDUSTRIES AND EXTENT OF DISABILITY.

GROUPS OF INDUSTRIES.	EXTENT OF DISABILITY.				
	Total persons injured.	Temporary.	Serious, probably permanent.	Known to be permanent.	Death.
1. Stone, clay and glass products.....	122	83	14	22	3
2. Metals, machines, conveyances.....	2,128	1,694	210	201	23
3. Wood manufactures.....	202	125	27	45	5
4. Leather and rubber goods, etc.....	48	32	4	9	3
5. Chemicals, oils and paints.....	129	105	4	16	4
6. Paper and pulp.....	143	114	13	16	.....
7. Printing and paper goods.....	114	70	21	17	6
8. Textiles.....	202	147	25	28	2
9. Clothing, millinery and laundering.....	27	20	3	4	.....
10. Food, liquors and tobacco.....	117	82	14	15	6
11. Water, light and power.....	78	67	4	3	4
12. Tunnel construction.....	130	107	9	10	4
13. Miscellaneous.....	1	1	.....	.....	.....
Total.....	<u>3,441</u>	<u>2,647</u>	<u>348</u>	<u>386</u>	<u>60</u>

BUREAU OF MEDIATION AND ARBITRATION.

Statistics of Disputes in July, August and September.

From the records of the Bureau of Mediation and Arbitration it appears that 39 disputes began during the third quarter of 1908. These disputes directly involved 6,693 wage-earners, and 1,807 others not directly concerned in the disputes were thrown out of work. Those directly concerned lost 107,844 days working time and the others thrown out of work 58,620 days more. Adding to this amount 8,300 days lost during the quarter in two disputes begun prior to July first, and the total amount of working time lost during July, August and September is found to be 174,764 days. This amount is less than half of the aggregate loss for the same period of last year.

The record for number of strikes when compared with the third quarter of 1907 likewise shows a marked diminution, being little over half the number then recorded. The number of employees involved also is greatly reduced, showing less than one-third the record for 1907. Thus, not only was the number of disputes greatly diminished, but the importance of each dispute from the point of view of employees involved is greatly lessened.

	1904	1905	1906	1907	1908
New disputes recorded.....	22	59	73	73	39
Employees directly concerned.....	13,643	11,657	13,795	21,695	6,693

Although only four of the disputes of this quarter caused a loss of more than 2,000 working days, they still account for 90 per cent of the working time lost. This is a considerable decrease in number of important disputes as compared with the third quarter of 1907 in which seventeen disputes were begun, each of which caused a loss of more than 2,000 working days. Of the four important disputes of the quarter three were in New York City. The largest dispute, however, was that between the paper and pulp workers and the International Paper Company which lasted from August 3d to November 9th, and caused all told, a loss of 144,370 working days, 105,950 of which were in the third quarter. In the following table the principal facts concerning these disputes

are set forth, and in succeeding pages will be found a detailed account of the paper makers' dispute.

LOCALITY.	Trade.	Date.	EMPLOYEES AFFECTED.		Aggregate days lost.
			Directly.	Indirectly.	
New York State towns*	Paper makers, pulp workers and others.	Aug. 3–Nov. 9...	1,130	989	†105,950
New York City...	Jacket makers.	July 1–18.....	2,000	300	36,800
New York City...	Jacket makers.	July 1–10.....	1,000	350	12,150
New York City...	Tailors.	Aug. 24–28.....	400		2,000

Of the 39 disputes begun in the third quarter the employers were successful in 20, the workmen in 14, and the remaining 5 were compromised. As usual the greatest number of disputes concerned the question of wages, 16 occurring over increases and 7 others concerning reductions. The workmen were successful in enforcing increases in 7 cases and partially successful in 2 others, and resisted reductions successfully in 2 cases and compromised in 1 case. The employers, on the other hand, resisted increases successfully in 7 cases, and forced reductions in 4 cases. The workmen were generally successful in those disputes which involved greater numbers, there being 4,038 workmen directly involved in the 14 disputes which they won, whereas in the 20 disputes won by the employers only 2,445 workmen were directly concerned.

CAUSE OR OBJECT.	NUMBER OF DISPUTES.				Employers directly concerned.
	WON BY—		Compromised.	Total.	
	Workers.	Employers.			
Increase of wages.....	7	7	2	16	1,210
Reduction of wages.....	2	4	1	7	3,745
Reduction of hours.....		1		1	50
Longer hours.....	1	1		2	1,013
Trade unionism.....	2	2		4	152
Employment of particular classes or persons.....		4	1	5	423
Working arrangements.....	1			1	36
Payments of wages.....	1		1	2	24
Miscellaneous.....		1		1	40
Total disputes.....	14	20	5	39	
Employees directly concerned....	4,038	2,445	210		6,693

* Watertown, Palmer, Ticonderoga, Fort Edward, Glens Falls, Niagara Falls, Brownsville, Piercefield and Cadyville.

† Time lost during third quarter only.

Interventions by Bureau in September, October and November.

In the three months ended November 30th, 1908, representatives of the Bureau of Mediation and Arbitration intervened in 19 disputes, all strikes or lockouts. In some disputes there was more than one intervention. In all cases first intervention occurred after stoppage of work, and in one instance at the request of parties (employees). Immediate settlements were secured in two cases. Following are brief synopses of the interventions of the period, except in the cases of the paper makers' and New York City chauffeur's disputes which are recounted at length in later pages.

Albany: 57 gas meter makers employed in one factory struck November 10th against increase of three hours per week in working time. Bureau intervened November 18th and arranged a conference of the representatives of the parties, but no agreement was reached, the firm refusing to discuss the question of wages. A second conference was also unsuccessful, the firm declaring that the union committee did not represent all employees. A third conference was arranged on December 9th, which resulted in a settlement of the dispute.

Mount Vernon: 200 bronze workers employed by one firm struck November 7th against increase of three hours per week in working time. Bureau intervened November 9th and arranged a conference of representatives of the parties. Employer agreed to sign agreement on November 18th and requested employees to return to work November 17th. They refused, and employer then declined to have any further dealings with the union. Strike is still pending.

New York City: 35 bricklayers employed by one contractor struck September 21st for employment of bricklayers in place of pavers. Bureau intervened the same day and arranged a conference of all the parties, which resulted in a settlement on the day the strike began. It was agreed that the pavers should cease work and the question of jurisdiction be submitted to arbitration. Later, however, the bricklayers claimed the work in question and refused to arbitrate.

New York City: 40 bricklayers, carpenters, plumbers and laborers employed by one contractor struck July 20th to force payment of money due sub-contractor. Bureau intervened July 28th; both parties refused to confer or submit a proposal. Strike terminated September 19th by negotiations between owner of the building and committee from Consolidated Board of Business Agents of New York City.

New York City: 95 building mechanics employed on the Queens Borough bridge struck October 19th against the employment of non-union men by a sub-contractor. Bureau intervened October 23rd and found that several conferences had already been held. Strike was settled October 29th by the contractor signing agreement to employ only union men.

New York City: 23 cabinet makers employed in one factory struck November 2nd for discharge of superintendent who employed non-union men in

another shop. Bureau intervened November 5th and found that parties were members of the Arbitration Board of the Building Trades. Strikers were ordered back to work on December 12th by the Arbitration Board and superintendent was discharged.

New York City: Chauffeurs. *See detailed account below.*

New York City: 350 cigar makers employed in one factory struck October 2nd to compel employer to keep stock dry. Bureau intervened the first day of the strike and arranged a conference of the representatives of the parties which resulted in settlement of the dispute on October 6th.

New York City: 58 cloakmakers employed in one factory struck July 20th for a signed agreement and recognition of the union. Bureau intervened August 18th and arranged a conference of representatives of parties. Union proposed that all men be reinstated; employer agreed to reinstate twenty-five men, which proposal was rejected by the union. Strike was never terminated, but employer reported all places filled by August 25th.

New York City (Queens borough): 13 coopers employed in one shop struck September 5th against increase in working time. Bureau intervened September 16th; strikers agreed to meet employer, but employer refused to meet union committee or open negotiations, the strikers' places having been filled with new hands.

New York City: 70 dressmakers employed by one firm struck October 27th against change from week to piece work. Bureau intervened October 29th at request of employees. Employer agreed to meet committee of strikers, but employees refused to meet employer if he insisted on establishing piece work. Strike never terminated; employer reported factory to be running full handed by November 16th.

New York City: 150 lamp lighters employed by one concern struck August 27th for increase in wages and recognition of union. Bureau intervened August 29th; strikers agreed to meet employers, but company's superintendent had secured other help and refused to meet union's representatives.

New York City: 80 milk wagon drivers employed by one supply station struck September 3rd for increase in wages and recognition of union. Bureau intervened September 4th and arranged a conference of the representatives of the parties. The company conceded the increase in wages but refused to recognize the union. The strikers then refused to return to work, but on September 21st the strike was declared off.

New York City: 15 straw hat finishers employed in one factory struck September 9th against reduction of wages. Bureau intervened September 17th; union committee agreed to meet employer, but employer refused to meet representatives of employees. On November 7th firm discontinued manufacturing.

New York City: 40 straw hat makers employed in one factory struck September 9th against change from piece to day work causing reduction in wages. Bureau intervened September 18th; representatives of union agreed to meet employer, but employer stated that places of strikers were filled and refused to meet union's representatives.

New York City: 52 woolen workers and knitters employed in one mill struck October 8th for the union shop. Bureau intervened October 21st; union agreed to meet employer if he would sign agreement to employ none but union men, but employer refused to meet strikers. Strike never terminated. Factory reported running full handed by October 21st.

* New York State Towns: Paper makers. *See detailed account below.*

Patchogue: 15 lace curtain operators employed in one factory struck September 14th for increase in wages and reduction of hours. Bureau intervened September 19th; employees agreed to conference, but firm refused to meet workmen or sign agreement. Strikers' places were filled with new hands. Factory reported running full handed September 19th.

Walden: 12 iron molders employed in one foundry struck March 14th against the open shop. Bureau intervened September 9th and secured consent of union representative to meet employer, but employer refused to confer with union, stating that he had all the workmen he needed.

Strike of International Brotherhood of Paper Makers, Pulp, Sulphite and Paper Mill Workers Against The International Paper Co.

On August 3, 1908, all the members of the above named organization quit work. On the 4th a representative of the Bureau proceeded to the headquarters of the paper makers at Watertown, N. Y., to ascertain the cause. Mr. J. T. Carey, general president, gave the following reasons:

"On June 5th I received a letter from Mr. W. A. Whitcomb, the general manager of the International Company, asking for a conference to take up questions affecting their company regarding the employment of labor, and on June 22nd I called at his office at New York city, when he stated that as the business depression was affecting their company to a great extent it made it necessary for them to shut down parts of their mills, thereby increasing the fixed charges, and the board of directors of his company had authorized him to reduce the wages; but at this conference Mr. Whitcomb stated that he had not as yet figured the reduction in detail, and as we had a verbal agreement with the company that expired on the 27th of July, he stated that there would be no reduction previous to that date, and it was arranged that there would be a further conference between the representatives of our organization and the International Company previous to July 27th.

"This was submitted to our locals by me, and the different locals affected selected representatives to meet the company, which was done at New York on July 23rd and 24th. As this reduction would also affect other trades, I invited the United Brotherhood of Carpenters and Joiners to participate, and this organization was represented by their vice-president, Mr. T. M. Guerin; also the International Association of Machinists, who were represented by their fifth vice-president, Mr. J. J. Keppler; also the Stationary Engineers, who were represented by their president, Mr. Matt Comerford. After a conference lasting two days we were not able to arrive at a settlement, and the company stated they would refer the whole matter to their board of directors, who were to meet on the following Wednesday, but stated they would not sign an agreement with our organization unless we accepted the reduction.

* Watertown, Palmer, Ticonderoga, Ft Edward, Glens Falls, Niagara Falls, Brownville, Piercefield and Cadyville.

"During this meeting with the company at New York it was further brought out that there should be an increase on some certain few positions in some of the company's mills, and also a request that they enter into an agreement that they should employ members of the above named organizations in departments over which the organizations mentioned claimed jurisdiction.

"We did not hear definitely from the company after their board of directors' meeting, but on Friday, July 31st, we were notified that some members of our organization had their wages reduced at Rumford, Me., and on the day following I called Mr. Whitcomb on the long distance telephone and inquired if it was on his orders that the reduction had gone into effect. He answered that as the board of directors had ordered it the reduction must stand, and although this reduction affected men in nearly all of the company's mills it was not to be understood that this reduction was a general reduction. We also received information from some of our locals that the company had issued orders to close down more mills on Saturday, August 1st. We believe this to be an injustice, as we have reports at this office that the company is buying their paper from other mills, showing that they have orders to fill, and closing down some of their own mills and throwing men out of employment, which we consider unfair treatment on the part of the International Company.

In the conversation I had with Mr. Whitcomb on the telephone on last Saturday I again repeated what the representatives of the organization mentioned had stated at the New York conference on July 23rd and 24th, that our organization could not and would not accept reduction in wages, and accordingly the men in the several mills of the International Company were ordered to refuse to work on Monday morning unless settlement of the question at issue was made in the meantime. Not hearing further from the company the order went into effect and all paper makers of the International Company did not report for work on Monday, August 3rd; this also included a greater part of the pulp mills of the company."

On the 8th of August the representatives of this Bureau waited on Mr. W. A. Whitcomb, General Manager of the International Paper Co. at 30 Broad street, New York City. He stated that on July 1st a general reduction of 10 per cent on the salaries of managers, superintendents and foremen went into effect. Among those affected by the reduction were 11 foremen, members of the Paper Makers' Union. As the company had an agreement with the Union that did not expire until July 31st "that no reduction in wages should occur during the life of same" the 11 men were restored to their former wages, but on the expiration of the agreement the reduction went into effect. On August 3d the paper makers failed to report for work.

The Bureau endeavored to arrange a conference but the company stated that there was no occasion for any. On the 12th the Bureau again intervened but the company adhered to their former position.

As this strike involved or rendered idle members of the International Brotherhood of Stationary Firemen and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers on August 27th the company entered into practically identical agreements, duly signed by the General Manager, W. A. Whitcomb, and the president, A. N. Burbank, of the company, and by President Timothy Healy of the Firemen's Brotherhood, and by President and Secretary James F. Fitzgerald of the Pulp and Paper Mill Workers Brotherhood. The agreement with the latter organization, with notation of any different clauses for the Firemen's Union, is as follows:

"Agreement between International Paper Company and International Brotherhood of Pulp Sulphite and Paper Mill Workers' Union, August 27, 1908.

1ST: PERIOD.

The International Paper Company and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union agree to abide by the articles of this contract for a period of not less than eleven (11) months, from September 1, 1908; and they further agree that this contract shall continue in force for an indefinite period thereafter and until such time as it is cancelled by a three (3) months' withdrawal notice given in writing by either party to the other.

2ND: JURISDICTION.

It is mutually agreed that the International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union shall have jurisdiction over the employees of the International Paper Company classified under* the following section of the Official Mill Pay Roll:

Section No.	Section Name.
3. Wood Handling.	
4. Wood Room.	
5. Grinders.	
6. Ground Wood Screens.	
7. Ground Wood Presses.	
8. Acid Plant.	
9. Digesters.	
10. Sulphite Screens.	

* Remainder of section in firemen's agreement reads: "the Steam Plant section of the official pay roll (exception is made of engineers at plants where there are International Locals of Steam Engineers)."

<i>Section No.</i>	<i>Section Name.</i>
11.	Sulphite Presses.
12.	Beaters.
14.	Finishing.
15.	Indoor Miscellaneous (except Night Watchman).
16.	Outdoor Miscellaneous.
18.	Repairs (exception is made at Mills where there are International locals of Machinists, Carpenters or Engineers [Draftsman excepted]).
21.	Screen Plates.
27.	Core Makers.

3RD: NEW EMPLOYEES.

It is understood by the parties to this agreement that employees coming under the jurisdiction of the International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union shall be members of that organization. This, however, shall not apply to new employees until they have worked two (2) weeks for the company.

4TH: SUPPLYING MEN.

The International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union agrees to supply a sufficient force of suitable men as operatives in the positions coming under its jurisdiction, if called upon to do so by the Paper Company at any of its plants.

5TH: RATES OF PAY.

The International Paper Company agrees to pay and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union agrees that its members shall accept, until August 1, 1909, the rates of pay shown upon the attached schedules for the various occupations. It is further agreed that this scale of wages shall be re-adjusted upon August 1st of each year to the business conditions existing upon that date.

6TH: RUNNING TIME.

It is mutually agreed that* the weekly running time of paper mills shall be six (6) days of twenty-four (24) hours each. Furthermore, that the running time of pulp mills shall be six and one-half (6½) days per week, and a longer period when mutually satisfactory to the Paper Company and its employees.

7TH: RULES OF COMPANY.

The International Paper Company agrees to conduct its mill operations in accordance with the standard rules as issued under date of January 1, 1907, (a copy attached) and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union accepts the conditions covered by these rules and agrees that its members while employed by the Paper Company shall strictly observe them.

8TH: LOCKOUTS AND STRIKES.

During the period of this contract it is agreed by the Paper Company that there shall be no lockouts and by the International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union that there shall be no strikes.

* Remainder of section in firemen's agreement reads: "the Employees in the Steam section shall be on duty seven (7) days per week when necessary."

9TH: TRADE RULES.

International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union agrees not to issue any rules or instructions to its members which will interfere with the discipline or economical operation of any plant.

10TH: CO-OPERATION.

The International Brotherhood of Pulp, Sulphite and Paper Mill Workers' Union agree to assist the Paper Company in establishing at all the plants working conditions which will insure the operation of each department of the plant with the smallest number of men and at the lowest labor cost.

11TH: DIFFERENCES.

All differences between the parties to this agreement arising at any of the plants shall be settled between the superintendent and the local representatives of the Union. If these fail of the settlement, the question shall be referred to the general officers of the union and the Paper Company and settled between them by arbitration if necessary.

Those agreements practically eliminated the Brotherhood of Paper Makers, Pulp, Sulphite and Paper Mill Workers' which had heretofore claimed jurisdiction over all members of the International Brotherhood of Pulp, Sulphite and Paper Mill Workers, and as the company had made an agreement with the latter a settlement of the controversy was made more difficult. On September 24th at a conference between the representatives of the company and Mr. Carey, President of the Paper Makers, Pulp, Sulphite and Paper Mill Workers, the following agreement was reached:

"Agreement between International Paper Company and International Brotherhood of Paper Makers, Pulp, Sulphite and Paper Mill Workers.

September 24, 1908.

1. It is mutually agreed that the International Paper Company shall put into effect the new rates of pay as shown by the attached digest, same to be revised upon August 1, 1909, or at such time previous to that date as business conditions become normal.

2. It is mutually agreed that all foremen and night watchmen shall not be members of the labor organization. However, it is agreed by the company that the old foremen and night watchmen shall return to their positions.

3. The Paper Company agrees not to discriminate against the old employees on account of activity during the strike.

4. The company agrees that its old employees will be given work as fast as mills resume operations.

5. The International Brotherhood of Paper Makers agrees not to interfere with the paper machine men now working.

6. The International Union agrees that its members will report for work under the above conditions upon Monday, September 28th, at the several plants.

For the International Brotherhood of Paper
Makers, Pulp, Sulphite and Paper Mill
Workers,

(Signed) J. T. CAREY,
International President.

For the International Paper Company,

(Signed) W. A. WHITCOMB,
Acting General Manager.

(Signed) A. N. BURBANK,
President.

As the question of jurisdiction had been the main bone of contention for some time and the company being desirous of having this question finally settled it was agreed by the representatives of both organizations that the question be referred to arbitration under the following conditions:

Agreement between the International Brotherhood of Paper Makers, Pulp, Sulphite and Paper Mill Workers and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers.

September 24, 1908.

1. It is hereby agreed by Jeremiah T. Carey, International President of the International Brotherhood of Paper Makers, Pulp, Sulphite and Paper Mill Workers, and James F. FitzGerald, President-Secretary of the International Brotherhood of Pulp, Sulphite and Paper Mill Workers, that for the purpose of bringing peace to the paper and pulp industry, the two above mentioned have agreed to the following proposition, thereby obligating themselves to carry out the same:

2. It is hereby agreed that all employees shall return to their positions, and that the men now working will not be discriminated against and shall be given employment at their regular vocation.

3. It is further agreed that on account of the great contention between the two above named organizations, that the entire matter shall be left to a Board of Arbitration consisting of three men, one to be selected by J. T. Carey, one by James F. FitzGerald, and the third man to be the chairman of the Board of Mediation and Arbitration of the State of New York.

4. It is further agreed that the employees of the two above mentioned organizations will return to work in the mills of the International Paper Company and the Great Northern Paper Company not later than Monday, September 28th, under the provisions of this agreement.

5. The entire matter of jurisdiction between the two organizations shall be submitted to the above mentioned Board of Arbitration, their decision to be final and binding and accepted by both parties to this agreement.

6. It is further agreed that this board shall convene within fifteen days from date and render a decision as soon thereafter as possible.

(Signed) J. T. CAREY,
International President International
Brotherhood Paper Makers, Pulp,
Sulphite and Paper Mill Workers.

(Signed) JAMES F. FITZGERALD,
President-Sec'y International Brother-
hood of Pulp, Sulphite and Paper
Mill Workers.

Witness:

(Signed) CLINTON V. CASSIDY.

As an evidence of good faith to abide by the decision rendered by the arbitrators the company executed with each of the two organizations the following contract:

*Contract between International Paper Company and
[name of union]..... concerning jurisdiction, September 24, 1908.*

1. In consideration of the agreement signed between the International Brotherhood of Paper Makers, Pulp, Sulphite and Paper Mill Workers and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers upon this date, namely, September 24, 1908, for the purpose of determining lines of jurisdiction between these two unions, the International Paper Company agrees as follows:

2. After the official decision of the Board of Arbitration has been delivered to it in writing the Paper Company agrees to recognize such decision as final.

3. The International Paper Company and [name of union] immediately after the Board of Arbitration have delivered their decision shall hold a conference and shall draw up a contract covering the period up to August 1, 1909, in which contract the Paper Company shall give to the labor organization exclusive jurisdiction over its employees, which is accorded to the Union by the decision of the Arbitration Board.

4. It is mutually agreed that, as a basis for this new contract, the general conditions of employment, the question of jurisdiction being excluded, shall be in accordance with the preliminary contracts already signed between the parties to this agreement.

On September 24th Messrs. Carey and FitzGerald notified the Hon. John Williams, Commissioner of Labor, that they had selected Chief Mediator Lundrigan to act as arbitrator. On September 25th Mr. Williams sent the following communication to Messrs. Carey and FitzGerald:

ALBANY, N. Y., September 25, 1908.

DEAR SIR.—Confirming my conversation this morning over the telephone, I beg to advise that Chief Mediator Lundrigan of this Department will be

at this office on Wednesday morning, September 30, at 9 o'clock, prepared to act in the capacity of arbitrator, with a view of composing the difficulties affecting your organization.

Very truly yours,

(Signed) JOHN WILLIAMS,
Commissioner.

At a meeting of the Paper Makers Executive Committee held at Albany, N. Y., they repudiated all agreements made by President J. T. Carey, including the submission to arbitration of the question of jurisdiction, and sent the following proposition as a basis of settlement to Mr. W. A. Whitcomb:

Proposition for a settlement to be embodied in a contract between the International Paper Company and the International Brotherhood of Paper Makers, Pulp, Sulphite and Paper Mill Workers.

September 29, 1908.

1. That all employees of the company to be members in good standing of their respective unions according to the jurisdiction of the A. F. of L. on this date.

2. That all former employees now in good standing in the International Brotherhood of Paper Makers, Pulp, Sulphite and Paper Mill Workers shall be reinstated in their former positions immediately upon resumption of operations, this to include all firemen and engineers now members of our organization.

3. The schedule of wages shall not be less than in effect June 15, 1908.

4. The hours of labor shall remain unchanged during the life of agreement to be drawn from their basis of settlement.

5. That boss machine tenders and foremen now members of the organization shall retain their membership in said organization.

6. Further curtailment of production shall be brought about by stopping paper plant entirely for a fraction of a week instead of running part of machines continually.

7. Proposed contract to expire August 31st of each year.

(Signed)

J. T. CAREY, President.
M. J. BURNS, First Vice-Prest.
J. J. O'CONNOR, Sec'y-Treas.
WM. F. HAZEL.
JOHN A. MURRAY.
DANIEL BROWN.
EUGENE COLLINS.
GEORGE R. MOFFATT.
A. G. CLEMENTS, Watertown.

A. W. GROSSE, Watertown.
EDWARD SHEEHAN, Rumford Falls.
CHRIS. BIRT, Rumford Falls.
GEO. A. RAYNES, Franklin, N. H.
D. B. SENCABAUGH, Beaver Falls.
CHAS. E. WOOLACOTT, Orono, Me.
JOHN WATTERS, Glens Falls.
ROBERT BAILEY.
F. V. GRAY.

The Company began operating their mills with other help. During October some of the paper makers made application for their

former positions, and on November 9th the strike was declared off and most of the men were taken back by making individual application. The effect of the strike was the inauguration of a new wage schedule approximating a 5 per cent reduction in wages, together with an almost complete suspension of production for a period of three months.

An actual determination of the number on strike is very difficult owing to conditions existing in the industry at the time of the dispute, several of the mills being wholly or partially shut down, coupled with the fact that the employers and the representatives of the union men on strike assume entirely different bases of calculation in their reports. The Company reports as on strike 484, with 1,635 others rendered idle, practically all of the men reported on strike by them being machine operators; while the union reports its entire membership employed by this company at the time of the dispute, 1,130, as on strike, this number including pulp, sulphite and mill workers as well as machine men and it is assumed it includes also men formerly employed in mills which were shut down at the time the strike occurred, who refused to resume work when effort was made to operate such mills. Inasmuch as neither basis will change the aggregate number rendered idle, the report of the union has been taken by the Bureau as basis for computing the number on strike. The number not on strike but rendered idle thereby is subject to the same complications as that of those on strike and can only be calculated on the basis of those actually employed at the time the strike began.

The amount lost in wages as furnished by the company is \$236,689, which is also misleading as it appears to be based on the proposition that all of the mills would have been operated with a normal force during the period of the strike. The figures herein given refer only to mills in New York State and were verified from the payrolls of the International Paper Company. The computation of amounts lost in wages is based on the aggregate amount of payroll for May, June and July as compared with that of the three month period of the strike.

The Bureau has gone into considerable detail in reporting this dispute owing to the fact that it embraced many unusual features. In the first place, it affected one of the largest industries operated

under trade agreement between employers and employees and occurred while the renewal or revision of an existing agreement was under consideration. While the immediate cause would seem to have been a reduction in wages, the main contributory cause was the clashing of rival labor organizations on the subject of concerted action and jurisdiction. While it is possible that the strike against a reduction in wages would have occurred in any event, it is nevertheless a fact that negotiations toward avoiding both the reduction and the strike were not fairly and intelligently concluded, and their determination by arbitration not even suggested.

Intervention in Strike of Chauffeurs Against New York Taxicab Company.

On October 3d, 403 chauffeurs in the employ of the New York Taxicab Company went on strike to compel a closed shop agreement and a general change in the working conditions of the chauffeurs.

On October 5th the Bureau arranged a conference between the representatives of the company and a committee from the chauffeurs to have authority to effect a settlement. After discussing the several matters in dispute for several hours and as many of the men's contentions were not known by the company's representatives it was decided that a subcommittee of three from the chauffeurs should meet the company's representative the next morning, the many matters in dispute to be taken up and a report made to the full committee. At the afternoon meeting all were present as on previous day. The following agreement was reached and all provisions were satisfactory to the committee from the chauffeurs excepting the refusal of the company to agree to a closed shop.

1. Gasoline now charged at the rate of fifteen cents per gallon to be in the future 3 per cent of receipts.
2. Wages to be 20 per cent of receipts; \$21 per week for private chauffeurs.
3. Twelve hours to constitute a day's work; all time over twelve hours to be deducted from the following day's work.
4. Men to pay for their uniform at the rate of ten cents per day, but in no case must the uniforms cost more than \$36 per year.
5. The charge of ten cents a day for cleaning machine to be abolished; company to clean all machines in the future.
6. Extra men to be given steady employment according to length of service with the company.
7. No discrimination against any man for his connection with the union.

8. No man to be discharged for any active part taken in union's affairs, or for illness.

9. Five dollars charged by company to try man as to their fitness to operate a taxicab dispensed with for present and made an open question.

10. Company agreed to meet a committee of chauffeurs to adjust any grievance that might arise in the future.

11. No charge for any repairs except those made necessary through negligence of chauffeur.

The company refused to agree to employ none but members of Chauffeurs' and Horse Drivers' Union of Greater New York, Local 267, or, when in need of help to employ none but those furnished by the union.

Failing to secure a recognition of the union by the company, the committee from Chauffeurs refused to sign the agreement, and the conference ended.

As the strike progressed many acts of violence occurred.

On October 20th Chief Mediator Lundrigan held a conference with representatives of the chauffeurs, and requested that a member of the State Board of Arbitration be permitted to attend a meeting of the men on strike and submit to them the agreement made on October 6th for their consideration as all conditions agreed upon then still held good. The request was granted, and on the 25th a representative of the Board attended the meeting and submitted the terms of settlement proposed on October 6th. The union adopted the following:

After hearing statements made by Messrs. Downey and Bealin before our committee last evening, I am directed to state that the subject-matter of offer purporting to have come from the taxicab people as made by your representatives was spoken of at conference 5th of October, but made chiefly as suggestions from the men representing drivers as conditions which might be recommended favorably to the men directly involved. Although such a proposition when made to men on strike by the committee after said conference was unanimously rejected, it cannot be said truthfully that at any time was the union the only stumbling block to settlement. The evils which caused strike might be enumerated thus: Purchase of gasoline from the company at 26 $\frac{2}{3}$ per cent higher than could be bought elsewhere; a still higher percentage on higher uniforms; charge for cleaning brass in excess of actual cost of amount paid out; petty fines with no redress; charges for loss or damage to cab whether responsible or not; charges for unscrupulous riders; charges for taxi-clock errors on commission basis of 20 per cent at some of the more profitable stands. Under this basis a reasonable income was assured, particularly when the Taxicab Company had little opposition. Now that there

is pronounced opposition and no possibility of such universal earnings all we ask is \$2.50 per day for twelve hours' work, material and appurtenances for running car to be furnished free; abolition of fee of \$5 for demonstrating ability to run car; adjustment of grievances through representatives who could not be discharged for making or carrying complaints, which is generally penalty when done by employees; that when earnings exceed \$87.50 per week, which would insure \$17.50 for driver that surplus "takings" would be paid at rate of 20 per cent. Such flat rate is paid by employers at Waldorf-Astoria, Manhattan, Holland House, Hoffman House, Gotham, St. Regis, Knickerbocker, Jack's, Burns, and others too numerous to mention.

On November 5th Industrial Mediator Reagan arranged a conference between the representatives of the union and company, and the following agreement was reached:

M. J. Reagan, P. J. Downey, representing Bureau of Mediation and Arbitration: G. G. Prescott, Edward Gould, W. H. Graven, Val. Hoffman, representing Chauffeur's Union No. 287 of United Teamsters of America, here assembled representing —

1. Mr. M. J. Reagan, mediator of the State Board of Arbitration.
2. The committee of the ex-drivers of the Taxicab Company.
3. The representatives of above organizations having agreed upon a complete settlement of the points of difference between the company and the employees, hereby declare on behalf of the organization, unions, and drivers, that the strike is this day called off, and that in case of future grievances, the matter in dispute can either be submitted direct to the company by a committee of drivers or by the organization to which they belong.

Further, with reference to Article No. 7, it is understood that the company will use every effort to find employment for the ex-drivers as soon as possible whenever the case is one where the man is known to be a good driver irrespective of his affiliation with any organization.

And that the men who left the company by reason of the present misunderstanding, shall be given every preference possible, the company taking their ex-employees in preference when good chauffeurs every time, and that in future no discrimination shall be made against union men, and further, that when ability is equal, they shall even be given a preference.

ARTICLE 1. Gasoline to be charged at cost.

ARTICLE 2. Wages to be 20 per cent of receipts; \$21 per week for private chauffeurs.

ARTICLE 3. Twelve hours to constitute a day's work; all time over twelve hours to be deducted from following day's work.

ARTICLE 4. Men to pay for their uniforms at the rate of ten cents per day, but in no case must the uniforms cost more than \$36 per year.

ARTICLE 5. The charge of ten cents a day for cleaning machines to be abolished; company to clean all machines in the future.

ARTICLE 6. Extra men to be given steady employment according to length of service with the company.

ARTICLE 7. No discrimination against any man for his connection with the union and the men taken back upon their individual applications for work.

ARTICLE 8. No man to be discharged for any active part taken in union's affairs or for unavoidable illness.

ARTICLE 9. No charge to be made by the company to try out competent men.

ARTICLE 10. No charge for any repairs except those made necessary through negligence of chauffeur.

This agreement to remain in force till 6th of November, 1909.

November 6, 1908.

(Signed) NEW YORK TAXICAB COMPANY,
HARRY N. ALLEN, President.
CH. MASCART.
H. C. HOSKIER.

M. J. REAGAN,
P. J. DOWNEY,
Bureau of Mediation and Arbitration.

GEORGE W. PRESCOTT,
VAL. HOFFMAN,
EDW. GOULD,
WILLIAM H. GRAVEN,

Representing Chauffeurs' Union 267, United Teamsters of America.

Attest:

WILLIAM HALPIN,
Secretary Taxicab Co.

The Bureau assumed that the signing of the above terminated the strike as the representatives of the company and the union were arranging to carry out its provisions. However, at the meeting of the chauffeurs held at 1 A. M. the following morning they rejected the agreement made and voted to continue the strike until such time as the company signed the closed shop agreement. Their action was endorsed at the general meeting held on Sunday evening, November 8th. Much dissatisfaction arose among the members as to the wisdom of rejecting the agreement made between the officials of the union and the company and many of the chauffeurs made application for their former positions. On November 17th the company claimed they had re-employed 175 of their old men and had that many applications from former employees on file and that as far as they were concerned the strike was a thing of the past. Some efforts have been made to call the strike off but up to date no official action has been taken. The representatives of the union claim the strike is still on.

Joint Trade Agreements.

Copies of trade agreements not listed in previous Bulletins which were entered into in 1908, and are now in force, to the number of 14 were received by the Bureau of Mediation and Arbitration in the three months ended November 30th, as follows:

LOCALITY AND TRADE.	Period.	AGREEMENT COVERS—					Settle- ment of disputes
		Wages.	Hours.	Union pre- ference.	Appren- tices.	Work- ing rules.	
Hudson Valley Railway: Conductors and mo- tormen.....	Aug. 1, 1908-July 1, 1909....	*	*	*	.....	*	*
Lockport: Rolling mill employ- ees.....	July 1, 1908-1909.....	*	.....	.....	.....	*	.....
New York City: Bakers.....	May 1, 1908-1909.....	*	*	*	*	*	.....
Beer drivers.....	April 1, 1908-1911.....	*	*	*	.....	*	*
Children's jacket makers.....	July 3, 1908-June 1, 1909....	*	*	*	*	*	.....
Children's jacket makers and pres- sers.....	July 15, 1908-1909.....	*	*	*	.....	*	.....
Children's jacket makers (non- basted).....	July 17, 1908-July 1, 1909....	*	*	*	.....	*	.....
Decorative glass workers.....	To August 31, 1911.....	*	*	*	*	*	*
Tile layers.....	July 27, 1908-Jan. 1, 1912....	*	*	*	*	*	*
Tip printers.....	August 1, 1908-1909.....	*	*	*	.....	*	.....
Tobacco workers...	To Jan. 1, 1909.....	*	*	*	.....	*	*
Rochester: Plumbers.....	Oct. 1, 1908-1911.....	*	*	*	*	*	*
Steam engineers....	May 1, 1908-1909.....	*	*	*	.....	*	.....
Troy: Cab drivers and coachmen.....	April 2, 1908-1909.....	*	*	*	.....	*	.....

As examples of well developed collective bargaining two of these agreements are reproduced below. That of the Greater New York tile layers succeeds one for 1906-8 which may be seen in the annual report of the Bureau of Mediation and Arbitration for 1906 (p. 341). A notable new feature in the present agreement is found in provision by Article XV for a permanent trade board to settle all disputes by conciliation or arbitration.

The Rochester plumbers' agreement likewise succeeds a former contract (see annual report of Bureau for 1906, p. 349), for the period from October 27, 1905, to October 1, 1908. A notable feature of this new agreement is that it carries an increase of

wages over the rates in the old agreement, although negotiated in a year of generally checked industrial activity.

NEW YORK CITY TILE LAYERS.

This agreement was made the 27th day of July, 1908, between the Tile, Grate and Mantel Association, its successors or assigns, of the City of New York, party of the first part, and the Ceramic, Mosaic and Encaustic Tile Layers' Union, Local No. 52, its successors or assigns, party of the second part. shall remain in force until January 1, 1912.

ARTICLE I.

Both parties to this agreement adopt the plan of arbitration approved by the Building Trades Employers' Association, and the representatives of the unions.

ARTICLE II.

SECTION 1. That all material of every description heretofore set by this trade shall be done by members of Local No. 52, including the setting of all floor and wall tiles, glazed, unglazed and enameled tile, ceramic, faience, glazed terra cotta for decorative purposes, rubber, glass, marbleitic, cement, quarries, briquettes, terra vitre, Moravian, Tiffany, or any kindred composition that may be added to or substituted for the above at any time, also fireplace work.

SEC. 2. The preparing for walls and ceiling tile shall be done by the members of Local No. 52, or union plasterers. All surfaces intended for the reception of tiles must be browned and scored with cement and sand.

SEC. 3. All floors to be properly concreted to within the height to receive the finished flooring.

ARTICLE III.

That on and after the 27th day of July, 1908, to and including the 1st day of January, 1912, eight hours shall constitute a day's work on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, and four hours on Saturdays of each and every week, beginning at 8 o'clock A. M.

ARTICLE IV.

That any member or members of Local No. 52, working within a radius of twenty-five (25) miles from his or their respective shop or shops, or place of business, shall take such train or boat leaving Greater New York between the hours of 7 and 8 A. M., that will enable them to begin the day's work at 8 o'clock A. M., or as near as possible thereto, and if there be no train or boat leaving between the hours of 7 and 8 A. M., then the train or boat next leaving Greater New York shall be taken, and returning take boat, train or car leaving said work nearest 5 P. M., and Saturdays between 12 and 1 o'clock.

ARTICLE V.

Wages.

The wages of tile layers, members of Local No. 52, shall be five dollars (\$5.00) per day for Monday, Tuesday, Wednesday, Thursday, Friday, and two dollars and fifty cents (\$2.50) for four hours' work on Saturday. No work permitted to be done on Saturday between 12 noon and 5 P. M.

ARTICLE VI.

One improver shall be allowed to work in a shop employing an average of five (5) tile layers for one year. If ten (10) tile layers are employed, two (2) improvers shall be allowed, but no more than two (2) improvers allowed in any shop. The wages of an improver to be four dollars (\$4.00) per day for two years, and at the expiration of this time he shall receive the standard rate of wages.

ARTICLE VII.

SECTION 1. Double time shall be paid for all labor in excess of a day's work; also for all labor performed on Sunday and the following legal holidays: New Year's Day, Washington's Birthday, Decoration Day, Independence Day, Labor Day, Election Day, Thanksgiving Day, Christmas Day and any holiday that should be celebrated on Monday.

SEC. 2. Expenses such as board, traveling, etc., on out-of-town jobs, and legitimate expenses and all fares in excess of the regular fare from men's home to shop, shall be paid by employer, expenses on out-of-town jobs to be paid in advance.

ARTICLE VIII.

Time of Payment.

That any and all members of Local No. 52 shall be paid weekly, but not later than 12:15 o'clock on each and every Saturday for all work, labor and services rendered for the preceding week. Men coming from out-of-town jobs may be paid one hour later.

ARTICLE IX.

Slabbing.

Tile facings shall be slabbed by members of Local No. 52.

ARTICLE X.

Reporting for Orders.

No tile layer shall be required to report to shop at night for orders after hours, and not before 7:30 A. M.

ARTICLE XI.

Employment.

SECTION 1. The Tile, Grate and Mantel Association of the City of New York hereby agrees to employ none but members of Local No. 52, to set tile or other work properly belonging to the tile business, in Greater New York, and within a radius of fifty (50) miles therefrom, and all of Long Island, and in consideration of such exclusive employment, said union agrees that its members will work for no firms, corporations, or individuals, within the above-described territory, except members of the Tile, Grate and Mantel Association in good standing. The Tile, Grate and Mantel Association will not give any piece work or special contract any tile work, but the same shall be done by day's work.

SEC. 2. This article is not intended to operate against anyone entering the tile business with the fundamental idea of carrying on the business legitimately, and such dealers will be eligible to become members of the Tile, Grate and Mantel Association.

SEC. 3. That, in the event of the business of the members of the New York Tile, Grate and Mantel Association requiring more mechanics than there are members of Local No. 52, and in the event of the said union failing to furnish the necessary men within six days after notice in writing by the secretary of the Tile, Grate and Mantel Association to Local No. 52, the members of the said association may employ such helpers of Local No. 53, who have been helpers at least four years, as they choose, who shall be examined by Local No. 52's examination board as soon after they are employed as is practicable. If men so employed pass the examination, they shall be admitted as members of the union; and in case of failure to pass said examination, they shall not longer be employed by members of said association. These men to receive improvers' pay of four dollars (\$4.00) per day.

SEC. 4. The members of the New York Tile, Grate and Mantel Association hereby agree that they will not permit any members of a firm or officer of a corporation in this association to set tile work or any of the work embraced under this agreement; and it is distinctly understood and agreed that the members of the Ceramic, Mosaic and Encaustic Tile Layers' Union, Local No. 52, will not permit any of their members, who may be members of firms or officers in corporations, to set tile while members of such firms or officers of such corporations.

ARTICLES XII.

Rules and By-Laws.

That no rules or by-laws shall be made or continued in force by either party which in any way conflict with the provisions of this agreement.

ARTICLE XIII.

The Tile, Grate and Mantel Association shall not discharge members of Local No. 52 for inquiring after the cards of the men working on jobs of its members, nor shall the business agent be interfered with when visiting any operation where tile layers are employed.

ARTICLE XIV.

It is further mutually agreed that if any work shall be abandoned for any cause, on which the wages of members of Local No. 52 are unpaid, or to enforce any part of this agreement, no member of the Tile, Grate and Mantel Association shall contract to complete the same until this debt is paid by the original or subsequent owner, or provided for in the contract. If a member of the Tile, Grate and Mantel Association is prevented from carrying out his contract on a building through the insolvency of the owner, or any other cause, no members of Local No. 52 shall work on said building until the contract of the member of the Tile, Grate and Mantel Association has been equitably adjusted.

Notice in writing, stating amounts in dispute, must be filed with the secretary of the Tile, Grate and Mantel Association within four (4) weeks of the stoppage of work, giving full particulars, the secretary to give proper notice to the secretary of Local No. 52 at the beginning and ending of the question in dispute.

ARTICLE XV.

It is further mutually agreed that a permanent trade board shall be established, consisting of seven members of the Tile, Grate and Mantel Association and seven members of Local No. 52, with power, who shall meet at least once a month, or on request, to whom shall be referred all disputes, and in case of disagreement on the matter in question, the case shall be referred to an umpire and his decision shall be final and binding on both parties. Matters of mutual interest shall also be referred to this board.

ARTICLE XVI.

It is herewith agreed between us that firms other than members of the New York Tile, Grate and Mantel Association holding a similar agreement with the Ceramic, Mosaic and Encaustic Tile Layers' Union, Local No. 52, shall be protected in their rights as to the employment of members of the said Ceramic, Mosaic and Encaustic Tile Layers' Union, Local No. 52, until the expiration of said agreements with them. The date of such expiration to be January 1, 1909.

ARTICLE XVII.

Any contemplated changes by either the Tile, Grate and Mantel Association or Local No. 52, parties hereto, notice in writing shall be given by the party contemplating such change or changes, stating fully what the proposed changes are to be, at least three months prior to the expiration of this agreement, and unless such notice is given within the time herein specified, this agreement shall be considered binding on both parties for another year or more.

ROCHESTER PLUMBERS.

*Articles of Agreement entered into this between the
Associated Master Plumbers of Rochester, N. Y., and Local Union No. 13,
Journeyman Plumbers, Gas and Steam Fitters of Rochester, N. Y.*

ARTICLE 1. There shall be what is known as a permanent conference board composed of five members of each association, with the president of each association an ex-officio member without vote.

ARTICLE 2. That all grievances be referred to the conference board and their decision shall be final and binding on both parties. Said board to be assembled in not to exceed twenty-four (24) hours after notice has been served by either party.

ARTICLE 3. That on and after October 1, 1908, the minimum rate of wages for journeymen shall be \$3.50 per day. The minimum rate of wages for juniors shall be \$2.25 per day.

That on and after October 1, 1909, the minimum scale of journeymen shall be \$3.75 per day, and the minimum scale for juniors shall be \$2.50 per day.

A day's work shall consist of eight (8) hours; the hours to be from 8 A. M. to 12 M., and from 1 P. M. to 5 P. M., except Saturday one-half holiday during May, June, July, August and September.

When men are working one mile from shop they will be allowed fifteen (15) minutes to come to shop for pay.

ARTICLE 4. Before a junior is employed there must be at least two (2) journeymen employed, and before the second junior can be employed, there must be not less than five (5) journeymen, and for each additional junior there must be five (5) additional journeymen. Before a helper can become a junior, he must serve not less than four (4) years as a helper.

ARTICLE 5. All helpers shall be registered with Journeymen's Local No. 13. and Associated Master Plumbers of Rochester, N. Y.

All helpers in shops at present, where the number does not exceed what the shop is entitled to according to the following articles, will be registered by both parties.

Plumbers' helpers.—The number of plumbers' helpers in any one shop shall be one to two men or fraction thereof, and one to each additional two men.

Steam fitters' helpers.—There shall not be more than one to each journeyman in any one shop or on one job.

All helpers will work only under apprentice application with employers, as approved by conference board.

ARTICLE 6. That no man shall be laid off between the hours of 8 A. M. and 12 M., or 1 P. M. and 5 P. M., and if he should be laid off, he shall be paid either a half day or a full day as the case may require.

ARTICLE 7. That all overtime shall be paid for at time and one-half beginning at 5 P. M. until 12 midnight, and double time after 12 midnight until 8 A. M.

ARTICLE 8. That all work done on Sundays, New Years, Christmas Day, Decoration Day, Fourth of July, Thanksgiving Day and Labor Day shall be paid for at double time.

ARTICLE 9. That on all out-of-town work the same number of hours shall be worked as are worked by other members of the building trades in that town: in no case more than nine (9) hours shall be worked on all out-of-town work. traveling expenses and board shall be paid by the employer and journeymen have the option of one round trip per week when the distance does not exceed twenty-five miles.

ARTICLE 10. That no member of Local No. 13 shall handle any material that is not furnished by their employer, neither shall he perform any work, during or outside the regular working hours for any person or persons other than his employer.

ARTICLE 11. That there shall be no rules or orders other than those contained in this agreement which will interfere with either association.

ARTICLE 12. That no laborer, driver or office help will be allowed to do any plumbing, gas or steam fitting or jobbing in or outside of building.

ARTICLE 13. That no member of Local Union No. 13 will be allowed to work for any firm or corporation that are employing plumbers and fitters at less than the regular scale.

ARTICLE 14. That plumbers will not be permitted to do steam or hot water fitting, or steam fitters to do plumbing, except in special cases and then not to exceed four (4) hours in any one day or except on special permission granted by both organizations.

ARTICLE 15. This agreement shall expire October 1, 1911, but if either party wish to extend or amend the same, notice shall be given in writing not later than August 1, 1911, and the nature of such changes or amendments shall be

specified in said notice and if either party of this agreement fail to give such notice this agreement shall continue for one year from October 1, 1911.

ARTICLE 16. Steam fitters' helpers shall receive six (\$6.00) dollars per week for the first year and seven dollars and fifty cents (\$7.50) per week for the second year.

ARTICLE 17. That no member of Local No. 13 subject to this agreement shall be withdrawn from any job until the question in dispute has been considered and decided upon by the conference board. The said board to be assembled in not to exceed twenty-four (24) hours after notice has been served by either party.

DECISIONS OF NEW YORK COURTS.

Eight-Hour Law.

Two important decisions concerning the provisions of section 3 of the Labor Law, which limits hours of labor on public work to eight per day, have recently been handed down by the Court of Appeals. One of these affirms unanimously the constitutionality, under both State and Federal Constitutions, both of the limitation of hours to eight per day and of the penalty which prohibits the payment of money on contracts where that limitation is violated. The other decision, which was also unanimous, affirms a decision of the First Appellate Department which held that the Eight-hour Law does not apply to the manufacture of material purchased by a contractor for public work. No opinion was rendered by the Court of Appeals in this case, the court affirming on the opinion below.

The opinions in these two cases set forth the facts and are given in full below.

EIGHT-HOUR LAW CONSTITUTIONAL.

People ex rel. Williams Engineering and Contracting Co. v. Metz, Decided by the Court of Appeals October 13, 1908, Opinion by Justice Vann.

This proceeding was initiated by an order made at a Special Term of the Supreme Court requiring the comptroller of the city of New York to show cause why he should not be required to pay to the relator the sum of \$9,634.75, as well as the further sum of \$4,545.37, each being a partial payment upon a contract to complete the storm relief sewer in the borough of the Bronx. The facts were undisputed. It appeared that a prior contract, dated March 6, 1906, had been made by one Flanagan to construct said sewer at unit prices, estimated to amount to the sum of \$635,844.36. After Mr. Flanagan had been paid \$310,718.35 for partial performance of said contract it was declared abandoned by the city under a provision thereof authorizing such action in certain cases, and on the 6th of November, 1907, a new contract was made with the relator, as the lowest bidder after due advertisement, to complete the sewer for the lump sum of \$428,831.50. Thereupon the relator entered upon the performance of its contract, and the sums mentioned in the order to show cause are respectively 85 per cent. of the earliest amounts earned thereunder. They were payable as soon as earned and were the only sums that had been earned when this proceeding was commenced.

Payment was refused by the comptroller upon the ground that the relator had violated a statute known as the Labor Law in that it allowed its workmen to work more than eight hours a day when there was no extraordinary emergency and had failed to pay wages at the rate prevailing in the locality where the work was done. Both of these specifications were supported by proof and neither was denied by the relator. No explanation was given and no excuse was presented. The relator, however, sought to justify its position on the grounds, first, that the Labor Law did not apply to the contract in question, because it was a continuation of that made with Flanagan before the Labor Law was passed; second, that the Labor Law is unconstitutional. The comptroller admitted the allegations of the relator that it had performed the work and earned the compensation claimed, but resisted payment solely upon the grounds mentioned.

The court at Special Term granted a writ of peremptory mandamus commanding the comptroller to pay the sums claimed by the relator, and upon appeal to the Appellate Division the order was affirmed. Two of the justices, however, dissented upon the ground that the Labor Law is constitutional and absolutely prohibits payment on the facts disclosed by the record.

The first ground upon which the comptroller resisted payment merits little attention. Whatever the rights of Flanagan, the first contractor, or his sureties may be as against the city, as to the relator the new contract is independent of the old and stands the same as if no other had been made. The relator sustains no relation to Flanagan or his sureties that is recognized by law. It is entitled to nothing for what he did and is responsible for no default of his. The old contract may be of importance to the old contractor in his relation to the city, but it is of no concern to the new contractor in its relations to the city. The contract of the relator is with the city alone and the old contract is referred to in the new only to measure the work to be done thereunder. The relator agreed to do the work thus described and the city agreed to pay a fixed price therefor. The work has been partly done according to the contract and partial payment must be made as agreed unless the Labor Law now in force which was passed after the date of the first contract and before the date of the second intervenes and prevents. The only question, therefore, worthy of extended discussion is whether that statute is valid in so far as it regulates wages and hours of labor on public work.

The first Labor Law was passed in 1897, was twice amended in 1899 and once in 1900 (Laws 1897, chap. 415; Laws 1899, chaps. 192, 567; Laws 1900, chap. 298). In 1901 it was adjudged unconstitutional according to the Constitution as it then stood, first, because it required the expenditure of money of the city or that of the local property owners for other than city purposes; second, because it invaded rights of liberty and property in that it denied to the city and the contractor the right to agree with their employees upon the measure of their compensation. (*People ex rel. Rodgers v. Coler*, 166 N. Y. 1; *People ex rel. Treat v. Coler*, 166 N. Y. 144.)

After these adjudications and owing thereto the Constitution was amended for the purpose, as contemporary history and discussion in the Legislature show, of authorizing such legislation. Prior to the amendment section 1 of article 12 was as follows: "It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting

debts and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations." By concurrent resolutions passed by the Senate and Assembly in 1902 and 1903 an amendment to said section was proposed, which was adopted by the people in 1905 and took effect on the first of January, 1906. (Laws 1903, Vol. II, p. 1453.) That amendment added to the section as it previously stood the following: "And the Legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the State or by any county, city, town, village or other civil division of the State, or by any contractor or subcontractor performing work, labor or services for the State or for any county, city, town, village or other civil division thereof."

In 1906 (Laws 1906, chap. 506), acting under the authority of this amendment, the Legislature promptly re-enacted the material part of the statute which had been declared unconstitutional. After referring to section 3 of that statute and reciting that the same "or a part thereof was heretofore declared unconstitutional by the Court of Appeals," it proceeded to re-enact said section in every substantial particular. The first sentence is as follows: "Eight hours shall constitute a legal day's work for all classes of employees in this State except those engaged in farm and domestic service unless otherwise provided by law." After thus fixing the number of hours which constitute a legal day's work in the absence of any agreement upon the subject the Legislature continued: "This section does not prevent an agreement for overwork at an increased compensation except upon work by or for the State or a municipal corporation, or by contractors or subcontractors therewith. Each contract to which the State or a municipal corporation is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property. The wages to be paid for a legal day's work as hereinbefore defined to all classes of such laborers, workmen or mechanics upon all such public works, or upon any material to be used upon or in connection therewith, shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used. Each such contract hereafter made shall contain a stipulation that each such laborer, workman or mechanic employed by such contractor, subcontractor or other person on, about or upon such public work, shall receive such wages herein provided for. Each contract for such public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent or employee of the State or of a municipal corporation pay the same or authorize its payments from the funds under his charge or control to any such person or corporation for work done upon any contract, which in its form or manner of performance violates the pro-

visions of this section, but nothing in this section shall be construed to apply to persons regularly employed in State institutions, or to engineers, electricians and elevator men in the department of public buildings during the annual session of the Legislature nor to the construction, maintenance and repair of highways outside the limits of cities and villages." (Laws 1906, chap. 506, sec. 3.)

The importance of this statute leads us to proceed slowly in construing it and to pass upon no questions except such as are essential to the decision of the case in hand. Therefore, we do not now decide whether the provision requiring certain stipulations to be inserted in the contract is directory or mandatory, nor express any opinion as to the provision relating to the prevailing rate of wages. We confine our attention to the command that no workman upon public work "shall be permitted or required to work more than eight hours in any one calendar day," except in contingencies not now material. Did the Legislature have power to make that command and to prohibit payment by its own municipal authorities, even for work actually done, unless it was obeyed? If it had, it is clear that the comptroller was justified in refusing to issue warrants for the payment of the relator's claims and that the writ requiring him to do so was improperly issued. The requirement is no broader than the Constitution and is clear and specific that no laborer, workman or mechanic shall be permitted or required to work more than eight hours in one calendar day; that no person or corporation shall be entitled to receive payment and no officer, agent or employee of the State or of a municipal corporation shall pay or authorize payment from funds under his control "for work done upon any contract which in its form or manner of performance violates the provisions of" said section. The words "manner of performance" manifestly refer, among other things, to the number of hours *per diem* that laborers are allowed to work.

The relator claims that this legislation violates both the State and Federal Constitutions in that it conflicts with the fundamental guarantees relating to liberty and property, with the provisions in regard to home rule, and with the prohibition against the use of the money of a city, except for a city purpose, contained in the former, and with the Fourteenth Amendment of the latter.

In construing a constitution all its provisions relating directly or indirectly to the same subject must be read together, and any amendment in conflict with prior provisions must control, as it is the latest expression of the people. The power to fix and regulate the hours of labor upon public work was intrusted to the Legislature by the amendment which took effect on the first of January, 1906. Prior to that date the power did not exist, and hence certain decisions made under the Constitution before it was thus amended do not now apply. (People ex rel. Rodgers v. Coler, 166 N. Y. 1; People ex rel. Treat v. Coler, 166 N. Y. 144; People v. Orange County Road Const. Co., 175 N. Y. 84; People ex rel. Cossey v. Grout, 179 N. Y. 417.) The Constitution, as construed by these decisions and others, was amended because it did not confer power upon the Legislature to fix and regulate the hours of labor in doing public work or the wages to be paid therefor. When, therefore, the Constitution as it stood before it was amended is read in connection with the amendment and in the light of the judicial decisions which led thereto, it is clear that the people intended to authorize such legislation as

the provision relating to hours of labor now under consideration. They did not require any action upon the subject, but merely authorized it. Their command was that "the Legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the State," etc. "Regulate" and "fix" are strong words and were used with the definite purpose of meeting the situation created by our decisions. We had held that the Legislature had no power to pass the Labor Law of 1897, and the amendment was designed to authorize a law of that kind. The Legislature acted under the amendment and re-enacted the precise law the overthrow of which by the courts made the amendment necessary. Those provisions of the Constitution which were violated by the Labor Law of 1897 were not violated by the Labor Law of 1906, so far as we are now treating it, because in the meantime the Constitution had been so amended as to modify said provisions by authorizing the Legislature to regulate and fix the hours of labor upon public work. Unless the amendment did this it did nothing, and the Constitution is the same in effect as it was before. The presumption is that the people in exercising their supreme power did not do a vain act but effected a definite purpose.

Freedom of contract still exists, but not to the same extent as formerly. because the people have commanded that that right must yield so far as reasonably necessary to enable the Legislature to fix and regulate the hours of labor on work done for the State or any civil division thereof. The same is true of the other provisions of the Constitution which were relied upon by us in passing on the Labor Law of 1897. Every provision of the Constitution as it was before it was amended which so conflicts with the amendment that it cannot be fairly harmonized therewith necessarily yields thereto, but only to the extent necessary to make the amendment reasonably effective.

As the Legislature has power to regulate and fix the hours of labor on public work, it has the incidental power to compel obedience to its commands by mild or severe penalties as it sees fit. The method of enforcement is for it to determine. It can make violation a crime punishable by fine or imprisonment, or both, or provide for a forfeiture of the contract, or prohibit payment for work done thereunder. All this is within its sound discretion. The prohibition of payment under certain circumstances by the Civil Service Law is quite analogous. The Legislature is not required to act under the amendment at all, and any action taken, if unsatisfactory to the public, either in principle or detail, can be retracted at any time in response to public opinion. If the legislation retards public improvements or increases municipal debts, or does not work well in other respects, there is ample room for public sentiment to act through the chosen representatives of the people.

Our conclusion upon this branch of the case is that in view of the history of the amendment in question and the causes which led to it the Legislature now has power, and had when the present Labor Law was enacted, to fix and regulate the hours of labor on public work by limiting them to eight hours in one calendar day and to provide that when that limit is exceeded no officer of State or municipal government shall be permitted to pay therefor from funds under his official control. We do not uphold the Labor Law as constitutional to the limited extent that we pass upon it at all, because it is authorized by the police power which belongs to the State, for we cannot

see that it bears any reasonable relation to the public health, safety or morals. The reasoning of Chief Judge Cullen in the Orange County Road case is conclusive upon that subject. (*People v. Orange County Rd. Const. Co.*, 175 N. Y. 84, 87.) We uphold the statute simply because the people have so amended the Constitution as to permit such legislation. The command of the people made in the form prescribed by law must be enforced by the courts.

It is claimed that the Labor Law violates the first section of the Fourteenth Amendment to the Constitution of the United States in so far as it provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

It is urged that the Labor Law makes discriminations when there are no differences; that it arbitrarily discriminates between persons employed by private individuals and those employed by the State or by municipal corporations, and with no adequate reason exempts from the latter three classes of persons. It is insisted that it is a capricious distinction to permit a laborer digging ditches for a farmer to agree to work ten hours a day, while if he does the same kind of work just across the line for a city he cannot agree to work more than eight hours, even if he wishes to work longer and the city is willing to pay him all he asks.

One purpose of the Fourteenth Amendment is to prevent State legislatures from making discriminations without any basis; in other words, to do away with class legislation. Following the decisions of the Supreme Court of the United States upon the subject, we have held that there must be some basis for classification, but that a basis is sufficient, even if it seems unreasonable to the courts, provided there is reason enough for it to support an argument so that it could have seemed reasonable to the Legislature. (*People ex rel. Hatch v. Reardon*, 184 N. Y. 431; *People ex rel. Farrington v. Mensching*, 187 N. Y. 8.)

In the latter case we said that "there must be some support of taste, policy, difference of situation or the like, some reason for it even if it is a poor one. * * * The court must be able to see that the legislators could regard it as reasonable and proper without doing violence to common sense."

It is to be observed that the amendment to our State Constitution which we have had under consideration relates only to public work or work done for the State or for one of the political divisions created by the State, such as a county, city, town or village. The Labor Law follows the Constitution as amended in this respect. In other words, the State was dealing with itself and with its own creatures when its Legislature passed that portion of the Labor Law that we are now considering. As was recently said by the highest Federal court: "Municipal corporations are political subdivisions of the State, created as convenient agencies for exercising such of the governmental powers of the State as may be intrusted to them. * * * The number, nature and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the State. * * * The State therefore at its pleasure may modify or withdraw all such powers, may take without compensation such property,

hold it itself or vest it in other agencies, expand or contract the territorial area, unite the whole or a part of it with another municipality, repeal the charter and destroy the corporation. All this may be done, conditionally or unconditionally, with or without the consent of the citizens or even against their protest. In all these respects the State is supreme, and its legislative body, conforming its action to the State Constitution, may do as it will, unrestrained by any provision of the Constitution of the United States." (*Hunter v. Pittsburgh*, 207 U. S. 161, 178.) This language of course refers to the limitations of the Federal Constitution only.

We regard discussion of the question involving discrimination between persons employed by private individuals and those employed by municipal corporations as foreclosed by the decision of the Supreme Court of the United States in *Atkin v. Kansas* (191 U. S. 207, 220). That case is directly analogous, for it involved the constitutionality of a statute of the State of Kansas which provided that eight hours should constitute a day's work for all laborers employed by or on behalf of the State or any of its municipalities and made it unlawful for any one thereafter contracting to do public work to require or permit a laborer to work longer than eight hours a day. A violation of this provision was made a crime punishable by a fine of not less than \$50 nor more than \$1,000 or by imprisonment not more than six months or by both such fine and imprisonment in the discretion of the court. The plaintiff in error, a contractor for public work in Kansas City, was convicted of permitting one Reese, an employee, to voluntarily work ten hours a day in laying a pavement and was fined \$100. The conviction was sustained. In that case, as in this, counsel argued that "if a statute such as the one under consideration is justifiable, should it not apply to all persons and to all vocations whatsoever? Why should such a law be limited to contractors with the State and its municipalities? Why should the law allow a contractor to agree with a laborer to shovel dirt for ten hours a day in the performance of a private contract, and make exactly the same act under similar conditions a misdemeanor when done in the performance of a contract for the construction of a public improvement? Why is the liberty with reference to contracting restricted in the one case and not in the other?"

The court, after reciting these questions asked by counsel, answered them as follows: "These questions, indeed, the entire argument of defendant's counsel, seem to attach too little consequence to the relation existing between a State and its municipal corporations. Such corporations are the creatures, mere political subdivisions of the State for the purpose of exercising a part of its powers. They may exert only such powers as are expressly granted to them, or such as may be necessarily implied from those granted. What they lawfully do of a public character is done under the sanction of the State. They are, in every essential sense, only auxiliaries of the State for the purposes of local government. They may be created, or, having been created, their powers may be restricted or enlarged or altogether withdrawn at the will of the Legislature. The authority of the Legislature, when restricting or withdrawing such powers, being subject only to the fundamental condition that the collective and individual rights of the people of a municipality shall not thereby be destroyed. * * If, then, the work upon which the defendant employed Reese was of a public character, it necessarily follows that the statute in question, in its application to those under-

taking work for or on behalf of a municipal corporation of the State, does not infringe the personal liberty of any one. * * * Whatever may have been the motives controlling the enactment of the statute in question, we can imagine no possible ground to dispute the power of the State to declare that no one undertaking work for it or for one of its municipal agencies should permit or require an employee on such work to labor in excess of eight hours each day and to inflict punishment upon those who are embraced by such regulations and yet disregard them. It cannot be deemed a part of the liberty of any contractor that he be allowed to do public work in any mode he may choose to adopt without regard to the wishes of the State. On the contrary, it belongs to the State, as the guardian and trustee for its people and having control of its affairs, to prescribe the conditions upon which it will permit public work to be done on its behalf or on behalf of its municipalities. No court has authority to review its action in that respect. Regulations on this subject suggest only considerations of public policy, and with such considerations the courts have no concern.

If it be contended to be the right of every one to dispose of his labor upon such terms as he deems best, as undoubtedly it is, and that to make it a criminal offense for a contractor for public work to permit or require his employee to perform labor upon that work in excess of eight hours each day is in derogation of the liberty both of employees and employer, it is sufficient answer that no employee is entitled, of absolute right and as a part of his liberty, to perform labor for the State; and no contractor for public work can excuse a violation of his agreement with the State by doing that which the statute under which he proceeds distinctly and lawfully forbids him to do." This decision was cited with approval in the somewhat analogous case of *Ellis v. United States* (208 U. S. 246, 255).

We close this branch of the discussion by quoting from the latest utterance upon the subject by the court of last resort upon Federal questions to which our attention has been called: "It is undoubtedly true, as more than once declared by this court, that the general right to contract in relation to one's business is part of the liberty of the individual, protected by the Fourteenth Amendment to the Federal Constitution; yet it is equally well settled that this liberty is not absolute and extending to all contracts, and that a State may, without conflicting with the provisions of the Fourteenth Amendment, restrict in many respects the individual's power to contract." (*Muller v. Oregon*, 208 U. S. 412, 421.)

The relator claims that it is denied the equal protection of the laws because all in the same class are not treated alike, inasmuch as persons regularly employed in State institutions, engineers, electricians and elevator men in the department of public buildings during the annual sessions of the Legislature and those engaged in the construction, maintenance and repair of highways outside the limits of cities and villages are exempted from the operation of the Labor Law.

We do not regard this classification as arbitrary or capricious within the rule governing the subject, for it has some reason to support it, and, hence, was within the power of the Legislature. Employees with duties to be discharged in the night time, or partly by day and partly by night, as in asylums, prisons and the like, and those who operate the machinery for heating and lighting the State capital when the Legislature is in session, may properly

receive separate classification in order to prevent public injury and inconvenience. Here, also, the State was dealing with its own agencies and had the right to promote its convenience and welfare by making a distinction between those who perform manual labor for the most part and those who work largely with their brains. The one class of duties involves greater bodily fatigue than the other, and as positions in State institutions are regarded as higher in rank and less exacting they are eagerly sought for as more desirable.

The exemption of those employed in working upon highways outside the limits of cities and villages apparently applies only to employees of counties and towns or of the State or contractors therewith, as in building and repairing State roads and the like. This is in conformity with the custom in rural districts, where, as it may be argued, the crops could neither be planted nor gathered by laboring but eight hours a day. The reason for the distinction may not be conclusive, but it will support an argument, which is sufficient. Moreover, the employees in the exempt classes as a rule work away from home, under circumstances, conditions and surroundings which differ from those affecting employees working near their homes in cities and villages. The law requires equality only among those similarly situated, and this rule, we think, was observed by the statute in question.

We have thus considered the subject of discrimination along the line of discussion adopted by counsel, but we regard it as of slight importance in this case, because in the legislation in question the State was dealing with its own creations and could discriminate as it saw fit.

The contention that the city has waived any defense under the Labor Law by allowing the work to proceed and retaining the benefit thereof is unsound. The work in question was done in December, 1907, and January, 1908, and it is all that had been done under the new contract when this proceeding was commenced. So far as appears the first knowledge the city had that the contractor had violated the Labor Law was on February 4, 1908, when the president of the borough received notice thereof from the department of labor. He at once caused an investigation to be made, and the last report of his agents was dated February 14, 1908. Thereupon the comptroller asked the advice of the corporation counsel, and upon receiving it refused to pay the claims in question. It does not appear when the certificates of the engineer in charge that enough work had been done to entitle the contractor to a partial payment were received by the comptroller. This proceeding was commenced on the 29th of February, 1908.

Under these circumstances, even if the city had power to waive, there was no waiver, for its officers acted as soon as they reasonably could. If the contract was void on its face, and as to this question we express no opinion, there was no occasion for action by the comptroller. If it was valid, and he was required to act at all, he acted in time by refusing payment as soon as he learned the facts.

We think that, upon the facts as presented by the record before us, the comptroller was prohibited by a valid statute from paying any part of the relator's claims, and, hence, the orders below directing him to do so must be reversed and the proceeding dismissed, with costs in all courts, but without prejudice to an application for an alternative writ of mandamus or to the institution of an action to recover the claim.

EIGHT-HOUR LAW NOT APPLICABLE TO MATERIALS PURCHASED BY
CONTRACTOR.

Bohnen v. Metz, 126 App. Div. 807, affirmed by the Court of Appeals December 15, 1908; opinion by Justice Houghton in the Appellate Division.

The parties submit their controversy under section 1279 of the Code of Civil Procedure, and by their stipulated facts show that the plaintiff is a citizen of this State and the defendant city a municipal corporation, and the defendant Metz its officer charged with the duty of authorizing the payment of any moneys due or to become due on a contract with such municipality; that a contract was made between the city and the defendant Wille for the erection of a municipal building for the sum of \$30,000, in which building there were to be doors, windows and other manufactured woodwork. By the contract Wille agreed that he would comply with the provisions of chapter 415 of the Laws of 1897, as amended, known as the Labor Law, and that he would not permit or require any laborer, workman or mechanic in the employ of himself, or sub-contractor, or other person doing or contracting to do the whole or a part of the work embraced in his contract to work more than eight hours in any day, except in cases of emergency, and that he would pay the rate of wages prevailing in the locality, and that the contract should be void unless he should fully comply with such provisions of the Labor Law. In the course of construction, doors, windows and other manufactured woodwork required for the building and used in it were manufactured for the special purpose at the request of Wille by a manufacturer within the State of New York who employed workmen and mechanics more than eight hours a day and paid them less than the prevailing rate of wages in the city of New York. By the terms of the contract \$1,000 is now due, and the plaintiff as a citizen of the State pursuant to the right given him by section 4 of the Labor Law (as amd. by Laws of 1899, chap. 567), challenges the right of the city and its fiscal officer to make such payment on the ground that Wille by purchasing doors, windows and woodwork for the building from a manufacturer who employed his men more than eight hours a day and paid them less than the prevailing rate of wages, forfeited his contract and the right to any payment thereunder. The city, through its officers, refuses to declare the contract void and submits to the court whether or not it is its duty so to do.

Whether section 3 of the Labor Law (Laws of 1897, chap. 415, as amd. by Laws of 1899, chap. 567; Laws of 1900, chap. 298, and Laws of 1906, chap. 506), providing that every contract with the State or a municipal corporation involving the employment of laborers, workmen or mechanics, shall contain a stipulation that no such laborer, workman or mechanic in the employ of the contractor, sub-contractor or other person doing, or contracting to do, the whole or a part of the work, embraced in the contract shall be permitted or required to work more than eight hours a day, or be paid less than the prevailing rate of wages of the locality in which the work is to be done, and shall be void unless such stipulation is observed, be deemed constitutional or unconstitutional, the stipulated facts do not bring the contractor Wille within its provisions.

The manufacturer who worked his men more than eight hours and who

did not pay the prevailing rate of wages was not a "Sub-contractor or other person doing, or contracting to do, the whole or a part of the work," within the meaning of the statute. It was necessary that the windows and doors be made to measure, and, therefore, it was necessary that an order for their manufacture be given. The transaction amounted, however, to a mere purchase of material necessary for the building.

The construction of the statute contended for by plaintiff would follow the iron beams necessary for a building to the mines, the woodwork to the logging camp and the stone to the quarry, and would put a contractor to the hazard of forfeiture of his contract and all payments due him in the purchase of any material for the construction of any municipal building.

In 1905 the People adopted an amendment to section 1 of article 12 of the Constitution, providing that "The Legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the State or by any county, city, town, village or other civil division of the State, or by any contractor or sub-contractor performing work, labor or services for the State or for any county, city, town, village or other civil division thereof." By virtue of this constitutional power the Legislature, by chapter 506 of the Laws of 1906, re-enacted section 3 of the Labor Law as it has been amended by chapter 298 of the Laws of 1900, adding thereto only the provision that it should not apply to the "construction, maintenance and repair of highways outside the limits of cities and villages."

Assuming that the present law is free from the vices of the former law pointed out in *People ex rel. Cossey v. Grout* (179 N. Y. 417) and *People v. Orange County Road Const. Co.* (175 id. 84) and kindred cases, it cannot be held that the Legislature intended to include labor employed in the production of raw material necessary for municipal buildings and works. Presumptively, the Legislature enacts labor laws to benefit and aid labor. If the law be held to embrace purchased manufactured material and to work a forfeiture of the contract and all payments earned if in its manufacture and preparation for use the eight-hour law is not observed and the prevailing rate of wages of the locality is not paid, its presumed beneficent object will be defeated, for no municipal work will be done because no contractor will be foolhardy enough to enter into any contract liable to be annulled in such a manner. Labor laws, like any other law which the Legislature sees fit to enact, should be upheld by the courts where no constitutional violation exists, but no absurd interpretation which defeats their object should be permitted.

The situation is not changed because the defendant Wille contracted that he would forfeit payments if he violated the law. The material which he purchased did not come within the law as we view it, because the persons employed in the manufacture of the doors, windows and woodwork ultimately used in the building were not employed "on, about or upon such public work" within the meaning of the statute, and hence it was unimportant whether they were employed more than eight hours a day or were not paid the prevailing rate of wages.

Our conclusion is that the defendant Wille did not forfeit his contract and that he is entitled to the payment due under it.

Judgment is directed for defendant Wille, with costs.

Child Labor — Responsibility for Illegal Hiring of Children.

In the June, 1908, Bulletin was reported a decision of the Appellate Division in the First Department, to the effect that the clause of section 70 of the Labor Law which prescribes that no child between 14 and 16 years of age "shall be employed, permitted or suffered to work" in a factory without an employment certificate laid upon employers an absolute duty of preventing such illegal employment which might not be escaped by pleading that directions not to employ children illegally had been given to subordinates or that illegal employment existed without the employer's knowledge. This decision has now been reversed by the Court of Appeals unanimously. The latter court's decision, however, does not hold that a manufacturing concern has fulfilled its obligation as to employment of children by giving directions to its subordinates that no children shall be illegally employed. It holds only that the superintendent in charge of a factory, who is not the proprietor and who does not himself hire the children, is not liable if children are illegally employed without his knowledge and contrary to his directions. Both the proprietor of the business and the subordinate who actually hires the children, it is expressly held in the decision, are liable.

The essential facts in the case are given in the opinion of the Appellate Department in the June Bulletin. The opinion of Justice Chase of the Court of Appeals in full is as follows:

Section 70 of the Labor Law, as amended by chapter 184 of the Laws of 1903, provides: "No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this State. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate issued as provided in this article shall have been theretofore filed in the office of the employer at the place of employment of such child."

It is provided by the Penal Code (section 384-1), that "Any person who violates or does not comply with:

"1. The provisions of article six of the labor law relating to factories
* * * is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than one hundred dollars. * * *"

Said section of the Labor Law is a police regulation intended for the protection of the public health. A violation of its provisions is not *malum in se*, but *malum prohibitum*. Such a prohibitive statute should be strictly construed. (*People v. Werner*, 174 N. Y. 132.)

The defendant was not individually an employer of labor. He was an officer, agent and employee of the corporation and responsible to it for the conduct of its business but so far as appears in no way beneficially interested therein. Such an officer, agent and employee has such powers and performs such duties in the management of the property and affairs of the corporation as may be prescribed by the directors or in the by-laws of the corporation. (*The Stock Corporation Law, sec. 27.*)

We assume that the person who owns a factory is liable for a violation of said section of the Labor Law if contrary to the provisions thereof a child is employed by such owner either directly or through an officer, agent or employee, and wholly without regard to whether the employment is an intentional and willful violation of the statute. The term "person" includes a corporation or joint association as well as a natural person. (*Penal Code, sec. 18, subd. 13.*)

The owner, by or for whom the child is employed in violation of the statute, is liable because such employment is prohibited. The question of intent is immaterial. (*People v. Werner, supra; People v. Kibler, 106 N. Y. 321.*) The person actually entering into the contract by which a child is employed contrary to the provisions of the said section of the Labor Law is liable therefor, although such person acts as the agent or employee of another because his act is also contrary to such provision of the statute.

The question directly before us, however, is as to whether an employee of a corporation, who is the superior in authority of another employee of such corporation, is individually liable for such employment in the interest of and for the beneficial purposes of the corporation when such employment is made by the subordinate without the knowledge or consent of the person charged with the crime and contrary to his express direction. We think not.

The Labor Law relating to factories does not treat the owner of a factory and the superintendent or manager thereof as equally responsible in all cases for carrying out its provisions.

Section 76, relating to the registry of children employed in a factory, by its express terms applies to each "person owning or operating a factory and employing children." Sections 77 and 78, relating to the hours of labor of minors and women, apply to "The employer of such person;" section 79, relating to the inclosure and operation of elevators and hoisting shafts and the inspection thereof; section 86, relating to ventilation; section 90, relating to inspection of factory buildings, and section 92, relating to the employment of women and children at polishing or buffing, apply to "the owner, agent or lessee of such factory;" section 81, relating to the protection of employees operating machinery, applies to "The owner or person in charge of a factory where machinery is used;" section 83, relating to factory inspectors ordering the erection of fire escapes, applies to "the owner, proprietor or lessee of any factory or the agent or superintendent thereof, or either of them;" section 87, relating to the report of accidents, applies to "the person in charge of any factory;" and section 91, relating to the inspection of boilers, applies to "the owner, agent, manager or lessee of such factory."

An examination of all of the sections in the article of the Labor Law relating to factories shows that it was the intention of the Legislature to make an owner, as the person beneficially interested, generally liable for violations

of the article, and also to place upon the persons immediately or personally connected with the acts prohibited the responsibility for carrying out the provisions thereof.

"A person concerned in the commission of a crime whether he directly commits the act constituting the offense or aids and abets in its commission, and whether present or absent, and a person who directly or indirectly counsels, commands, induces or procures another to commit a crime, is a principal." (*Penal Code, sec. 29.*)

The defendant is not a principal as defined in said section of the Penal Code. "A person who commits or participates in an act which would make him an accessory if the crime committed were a felony, is a principal, and may be indicted and punished as such, if the crime be a misdemeanor." (*Penal Code, sec. 31.*) The defendant did not commit or participate in the act of employing the girl mentioned in the information or complaint.

There is no provision of the Labor Law which makes the superintendent of a factory of a corporation liable for the employment of a child under sixteen years of age by a foreman or other employee contrary to express directions given in good faith by such superintendent. The defendant is not in any sense a person who aids or abets such employment in violation of the statutes or who counsels, commands, induces or procures such employment. He was not a person who employed, permitted or suffered the girl mentioned to work in the Kursheedt Manufacturing Company.

The judgment convicting the defendant of the crime of violating section 70 of the Labor Law should, therefore, be reversed, and the defendant discharged. (*People v. Taylor*, 192 N. Y. 398.)

Employers' Liability.

[Under this heading are reported all decisions of courts of record construing the Employers' Liability Law of 1902 or the Railway Liability Law of 1906 together with all decisions interpreting common law liability handed down by the Court of Appeals, and those by the Appellate Divisions of the Supreme Court which unanimously affirm decisions below. Other decisions under the common law are reported here only when the circumstances make them of unusual interest.]

LIABILITY FOR ILLEGAL EMPLOYMENT OF CHILDREN.

Section 70 of the Labor Law makes it unlawful to employ a child under fourteen years of age in any factory. In cases where a child so employed has been injured the courts have held that the mere employment was some evidence of negligence although not conclusive. In the case of *Lee v. Sterling Silk Mfg. Co.* [BULLETIN 1907, p. 46], which is similar to the present case, the Second Appellate Department held that it was error to exclude all evidence of contributory negligence and assumption of risk or, in other words, the employment of the child in violation of the statute does not establish conclusively the negligence of the defendant. In the present case a girl under fourteen was injured and the same court held that the employment was sufficient to authorize the jury to

find a verdict in favor of plaintiff. The opinion by Justice Gaynor in the result of which all concur is in part as follows:

"On the trial of this action, following the said decision [*Lee v. Sterling Silk Mfg. Co.*] on appeal, negligence or breach of duty of the defendant to the child outside of the violation of the statute, which was passed to protect her and all little children, was gone into and relied on by the plaintiff, viz., that proper instructions had not been given to the child in respect of the dangers of the machine, and how to avoid them; and the decision of fact below was presumably based on such evidence, since the fact of the unlawful employment is not enough to enable a trial judge to direct a verdict for the plaintiff, as was decided on appeal in the *Lee* case where that single question was squarely up. It may seem strange how evidence that the child was not properly instructed and warned of the dangers of the machine, and how to avoid them while working at the machine, could be permissible when the statute forbade that she be allowed to work at the machine or in the factory at all, but such is the state of the law by the said decision on appeal in the *Lee* case.

"But a majority of my brethren are now of opinion that 'upon the record' the unlawful employment alone was enough to enable judgment to be given for this father for loss of services of his child, and vote for affirmance on that ground. I do not understand that the phrase 'upon the record' adds anything to or subtracts anything from the said fact; it can be no more nor less in this record than in any other record; it is the same fact everywhere and all the time. I think that the unlawful employment should be enough in an action by the injured child; but if it would have been enough in the case of this child, if her case had been tried, then it must be enough in all such cases by the injured child, and that would make the question one of law and not of fact when the child sues, which, as has been stated above, has been decided on appeal otherwise. And if the unlawful employment alone enabled the 'injured child to recover as matter of law, it would as matter of law logically prevent a parent who puts a child at the unlawful employment (as was done by this plaintiff) from recovering for loss of services of the child, and that would defeat this plaintiff. In the condition the law is in, I vote on the unlawful employment, and also on the other evidence, as stated above." (*Danaher v. American Mfg. Co.*, 126 App. Div. 385.)

LIABILITY FOR UNSAFE SCAFFOLD.

1. Section 18 of the Labor Law requires that a "person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged." Under this section action was brought by a

steamfitter, who while in the employ of the defendant, was injured by falling from a defective scaffold while putting up strips of wood to hang steam coils on. The defendant had a contract for putting in the heating apparatus in a new school building. The scaffold was twelve feet high and was constructed by putting horses one above the other and planks across. The plaintiff had nothing to do with its construction. At the close of plaintiff's case the trial judge dismissed the action but, on appeal, the Second Appellate Department set aside the non-suit, holding that the heating apparatus of a school building is a part of the building itself and the structure was a scaffold within the meaning of section 18 of the Labor Law. *Tracey v. Williams*, 127 App. Div. 126.

2. A workman sued his employer for injuries received through the breaking of a scaffold and recovered \$3,000 damages. At the trial conflicting evidence was introduced as to the cause of the break and whether or not any defect existed which could have been discovered by a reasonably close inspection. At the close of the trial judge's charge defendant requested him to further charge "that if the plank (of a scaffold) broke because of a defect which was not discoverable upon inspection, there was no negligence shown on the part of the master and the defendant would not be liable in the case." This the judge refused to do and the Second Appellate Department, on appeal, unanimously held that such refusal constituted reversible error. *Petterson v. Rahtjen's American Composition Co.*, 127 App. Div. 32.

3. A painter injured by the fall of a scaffold brought suit for damages but was non-suited. The Second Appellate Department, however, unanimously reversed the judgment holding that whether or not the employer had performed his duty to provide reasonably safe and proper contrivances so placed and operated as to give protection to his employees is a question of fact for the jury and the non-suit therefore, was error. *Schmidt v. Rohn*, 127 App. Div. 220.

LIABILITY FOR UNPLANKED FLOOR BEAMS.

Section 20 of the Labor Law entitled "Protection of persons employed on buildings in cities" provides in part that: If the floor beams are of iron or steel, the contractors for the iron or steel

work of building in course of construction or the owners of such building shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. In an action to recover damages for injuries to an iron worker who fell through the iron beams of a floor which was not planked over, the trial judge set aside a verdict in favor of plaintiff. The Second Appellate Department, however, unanimously reinstated the verdict. It was contended by defendant that the statute had no application since the floor beams were laid in the brick wall instead of on structural iron work as specified in the law. This defence was overruled, the opinion by Justice Miller discussing the point as follows:

"We think this construction of the statute is too narrow. The statute applies to the construction of buildings in cities, and is not limited to any particular class of buildings. It is undisputed that the floor beams in this building were of iron or steel; hence the statute applied and required the contractor to thoroughly plank over the entire tier on which the structural iron or steel work was being erected, except reasonable spaces for the raising or lowering of materials or such as were designated for stairways and elevator shafts. The "structural iron or steel work" in this case consisted of the floor beams. It was being erected, according to the plaintiff's evidence, upon the tier on which the plaintiff's intestate was working; and it seems to us quite immaterial whether the ends of the beams projecting into the walls rested on other structural iron or steel work, or on the brick wall, because, of course, each tier of beams was supported by the wall and by the tier below. It was, therefore, the duty of the defendants to thoroughly plank over the tier on which the plaintiff's intestate was working, and the jury were at liberty to find that the failure to discharge that duty was the cause of his death. It does not appear on what ground the learned trial justice set aside the verdict of the jury, but judging from the charge he seemed to have some doubt whether the requirement of the statute, that the tier be thoroughly planked over, was not intended solely to prevent the falling of objects on those working below. The learned counsel for the respondents does not urge that construction, and we think it may fairly be inferred that the statute was intended for the benefit of the men laying the floor beams as well as those working below." *Schramme v. Lewinson*, 126 App. Div. 279.

RAILWAY LIABILITY LAW OF 1906.

1. A brakeman was one of a train crew under the charge of defendant's conductor. While engaged in shifting a string of cars

from one track to another it became necessary to uncouple two cars. After several ineffectual attempts by plaintiff to lift the pin which locked the coupling joining the cars, the conductor directed him to get up on the car and pull the pin from the end of one of the cars. The position of the cars was such that the plaintiff could not signal the desired movement of the train directly to the engineman, but the signals were passed from plaintiff to the conductor, thence to another brakeman, who in turn signaled the engineman, thereby violating a well-recognized rule in railway service that when operatives are engaged in making a cut or coupling of cars, signals for the movement of the cars are to be given only by the one who is making the cut or coupling. After plaintiff had pulled the pin the cars started forward a few feet, then stopped with a sudden jerk, dislodging plaintiff's foothold on the car. The train moved backward suddenly, catching plaintiff's foot between the bumpers of the cars, causing injuries for which he received \$8,000 at the trial court. The Fourth Appellate Department affirmed this judgment, holding that the conductor was a vice-principal of the railroad corporation within the meaning of section 42a of the Railroad Law. The movement of the cars which dislodged plaintiff was due to a signal given by the conductor of which plaintiff concededly had no knowledge or intimation. The contention of defendant that this act was simply a detail of the work and not an act of a vice-principal is not upheld, the court ruling that the conductor assumed to exercise his general authority to direct the movement of the cars in giving the order which caused the injuries complained of. *Brown v. New York Central & H. R. R. Co.*, 126 App. Div. 240.

2. While plaintiff's intestate was employed in bringing water to a gang of laborers who were ballasting a railroad track, a freight train was stopped while a rail was being fixed and, the rail having been lowered, the freight engine began ringing its bell. At about the same time the foreman gave a warning cry of "Look out, boys," and plaintiff's intestate, evidently thinking the warning was for the freight train, when, in fact, it was for an express coming on the next track, stepped back on that track and was killed. An award of \$1,500 damages was made to plaintiff, and the Fourth Appellate Department affirmed the award. Defend-

ant contended that the failure of plaintiff to properly warn the deceased was the negligence of a fellow servant, but the Appellate Court held that this would have been true under the common law, but the Barnes act (§ 42-a of the Railroad Law) made foreman the *alter ego* of the employer and the defendant is, therefore, liable for his negligence. *Laplaca v. Lake Shore & Michigan Southern R. Co.*, 127 App. Div. 843.

LIABILITY LAW OF 1902.

1. In affirmance by a vote of three to two of a judgment for plaintiff, the Appellate Division, Fourth Department, held that where the person appointed to instruct the plaintiff in the operation of a dangerous machine negligently started the same before the instruction was complete so that the plaintiff was injured, such person did not thereby cease to be the representative of the master as regards his duty to instruct. A master who hires an inexperienced servant to work on a dangerous machine must instruct him in its operation and is liable for the negligence of the person to whom he delegates that duty. *Greco v. Pratt Chuck Co.*, 127 App. Div. 798.

2. A girl of sixteen years of age was injured while operating a mangle in defendant's laundry. It appeared that she was injured within half an hour of being put at work upon the machine and also that defendant's foreman had removed a safety roller designed for the protection of operatives and that this was the proximate cause of the injury. An award of \$7,500 damages was made plaintiff and this judgment was unanimously affirmed on the ground that the finding by the jury that the plaintiff had not assumed the risk was not against the weight of evidence. *Travis v. Haan*, 128 App. Div. 77.

3. A laborer recovered \$11,500 damages for injuries received by an explosion of dynamite and the Second Appellate Department, in unanimously affirming the award, held that where it appears that a common laborer employed by the defendant, ignorant of dynamite and its use, negligently proceeded to warm some of the explosive over the fire of the plaintiff, who was employed by defendant as a blacksmith, so that an explosion occurred, injuring the plaintiff, the jury is warranted in finding that the

foreman, who did all the blasting and was near at the time of the accident, knew or in the exercise of ordinary care should have known, what the laborer was doing. The plaintiff, who was severely injured, having testified without contradiction that the notice under the Employers' Liability Act was signed and served within ten days from the time when he was able to attend to it, the question of timely service is for the jury. *Trotto v. Bellev & Merritt Co.*, 127 App. Div. 400.

4. A boy lost an eye through the bursting of a bottle which he was about to wrap. A notice under the Employers' Liability Act was served on defendant and an action brought to recover damages, but plaintiff was non-suited. It appeared that before the accident plaintiff had complained to defendant's foreman of the danger and on a promise to remedy it in the future returned to work. This, the First Appellate Department held, was sufficient to relieve plaintiff from assumption of risk and the non-suit was, therefore, set aside. *Lobasco v. Moxie Nerve Food Co.*, 127 App. Div. 677.

5. A boy was seriously injured through contact with hot caustic soda in the factory of defendant. He brought suit for damages and recovered. The Fourth Appellate Department affirmed the award, holding that it is negligence on the part of a foreman to instruct a workman with only sixteen days' experience in his department to unloosen the cap on a pipe leading from a kettle full of hot caustic soda, without himself first ascertaining from the gauge whether the pressure was on in the pipe. For such negligence the master is liable under the Employers' Liability Act. A rule that employees in a department should wear goggles having been, to the defendant's knowledge, frequently and habitually disregarded, and no goggles having been furnished by defendant, an employee is not guilty of contributory negligence in failing to wear them. A verdict of \$7,948 is not excessive where, through defendant's negligence, a young man of good character has lost the sight of one eye, suffered a serious impairment to the sight of the other, and sustained other serious injuries. *Haley v. Solvay Process Co.*, 127 App. Div. 753.

6. An ironworker was employed in the erection of a shed for baggage and express alongside defendant's tracks. While fastening a heavy casting to the structure two passing cars caught the

rope which was attached to the casting and pulled it and plaintiff to the ground. It appeared that the superintendent was engaged at the work and had hold of the rope at the time of the accident and also that, contrary to custom, he had failed to set a red signal flag to warn approaching trains that the track was obstructed. An award of \$5,000 was made plaintiff at the trial court and the Second Appellate Department unanimously affirmed the award, holding that the omission to set the warning signal was an omission to perform an act of superintendence within the meaning of the Employers' Liability Act. *Campbell v. Long Island Railroad Co.*, 127 App. Div. 258.

7. A laborer while pushing a work car was injured in the foot by a steam crane which came from behind. Action was brought to recover damages and judgment was given in favor of defendant and the Second Appellate Department unanimously affirmed the judgment. Notice was served on the employer by the plaintiff but it was found to be insufficient, the court holding as follows: "The notice read: 'You will please take notice that on or about the 28th day of September, 1905, I was in the employ of your company and on said day, while in your employ, I met with injuries which were inflicted through the carelessness and negligence of your company at your place of business at Long Island City, State of New York, on said day, because of your carelessness and negligence in failing to supply me with a safe place in which to work and by reason of the defective condition of the ways, works and machinery connected with and used in your business; and the incompetency of your foreman or superintendent in charge of your said place of business at Long Island City; and because of the carelessness and negligence of inefficient and incompetent employees, and because of your failure to comply with chapter 600 of the Laws of 1902.' Certain requirements of the notice are to the end that the employer is pointed to the specific act or omission charged against him, that he may look into it and adjust the claim or resist it as may seem advisable. This provision is just to the master in view of the extension of his liability by the statute beyond the common law. The notice in question but apprises the master that the plaintiff has a cause of action for his neglect of obligations which are described in such general terms as to afford

no clew whatever to the particular act or omission." It appeared further that the crane which injured plaintiff was in charge of a regular signal man whose duty it was to give signals for the machine to come forward. Under common law rules the negligent act of the signal man was that of a fellow-servant for which the employer is not liable. *Palmieri v. Pearson & Son, Incorporated*, 128 App. Div. 231.

8. Where, in an action under the Employers' Liability Act, the plaintiff's evidence shows that a runway was defective, and that while wheeling a heavy load he stepped into a depression, slipped on an imbedded nail, fell and was injured, the questions of assumption of risk and of contributory negligence are for the jury even though the runway were sufficiently lighted, and it is error to dismiss the complaint. On appeal from a non-suit at the close of the plaintiff's case he has a right to the most favorable view of the evidence that the jury could have taken had the case been submitted. *Knezevich v. Bush Terminal Co.*, 127 App. Div. 54.

9. Where, in an action to recover for injuries sustained in loading rails on a car, the evidence tends to show that the usual method of doing the work was not followed, and that the foreman, who at the time was doing acts of superintendence within the Employers' Liability Act, knew that the rail which caused the injury was likely to fall and that it would be dangerous to load the rail in that way, it is error to direct a verdict for defendant "on the ground that a reasonable man would not have anticipated that such an accident as this would have happened." *Vincenzo v. Delaware & Hudson Co.*, 126 App. Div. 481.

COMMON LAW LIABILITY.

1. A workman was injured through the breaking of a defective bolt in a carrying crane and was awarded \$2,650 damages. This award the Second Appellate Department unanimously sustained holding that the memorandum handed down by the trial court was a correct interpretation of the law. This memorandum is as follows:

The defendant says that plaintiff's verdict conflicts with the *Cregan v. Marston* (126 N. Y. 568) principle. If the clamp gave way because of improper adjustment, or because fastened with a defective bolt, and the bolts were constantly wearing out by use and being replaced by the servant from

a furnished supply, or because of a defect arising from use, which the plaintiff himself was supposed to notice and repair, or if the accident were caused by defective selected material in the putting together of a temporary appliance or lift, the master having furnished proper material and fastenings, then the verdict could not stand. But this is not all there is of this case, nor all the evidence bearing on this accident. The derrick or lift was a permanent structure or machine of the shop of which the clamp was a part; the bolt was not continuously replaced from a convenient supply because constantly wearing with use (at least the evidence does not satisfactorily show this); the defendant did not offer to show how long the defective bolt had been in the machine or that any inspection was ever made or a rule for inspection ever existed, or that the bolt had ever been replaced by the men. This case comes within the distinction made by Adams, J., in *Yaw v. Whitmore*, 46 App. Div. 424, 425. (*Porter v. American Bridge Co.*, 127 App. Div. 1.)

2. A plumbers' helper lost one eye through an explosion caused by placing zinc in muriatic acid in a closed bottle. A recovery of \$2,700 was had by plaintiff and defendant now appeals to Second Appellate Department for a reversal of the judgment on the ground that plaintiff should have been put on his guard by the effervescence and the verdict was against the weight of evidence. The judgment, however, was unanimously affirmed, the court holding that the question of whether or not plaintiff should have been warned by the effervescence is one of fact for the jury and that the evidence was sufficient to sustain the verdict. *Buckley v. Garden City Co.*, 127 App. Div. 52.

3. A miner employed to excavate a tunnel discovered some sand and stone falling from the roof and the superintendent would not allow the shield usually used to be moved up because it needed repairs, but directed that the tunnel be shored up and plaintiff, while shoring up, had his leg broken by a falling rock. An action for damages was brought and plaintiff was non-suited and the Second Appellate Department unanimously affirmed this judgment. It was held that the action of the superintendent in directing the shoring to be done without the use of the usual shield was merely an error of judgment for which the employer was not liable. No proof was offered that the defendant was negligent in the manner in which he directed the shoring to be done and the plaintiff, who was an experienced miner, must, therefore, be held to have assumed the risk of employment. *Martin v. Degnon Contracting Co.*, 127 App. Div. 85.

4. An employee in a warehouse was injured by the fall of two

piles of heavy sacks of flour. It appeared that the piles of sacks which fell on plaintiff were placed in the warehouse before he came to work there and that defendant's foreman knew of the danger of falling but failed to warn plaintiff. On trial a recovery of \$5,200 was had and the Fourth Appellate Department unanimously affirmed that part of the judgment which held that it was the duty of the employer to furnish a reasonably safe place to work and that duty cannot be delegated to a superintendent or foreman. The amount of damages was found to be excessive, however, and the judgment was affirmed only on condition the plaintiff accept \$2,500 damages, otherwise the judgment is reversed. *Weinert v. Merchants and Shippers' Warehouse Co.*, 127 App. 826.

5. An employee of an engineering firm was making repairs to one of defendant's boats. While so engaged he stepped on a defective cover of a manhole and was severely injured. A verdict to plaintiff of \$7,500 was unanimously affirmed by the Second Appellate Department, it being held that: When it appears that in a narrow passage on the side of the cabin of the boat the defendant maintained a manhole covered with a defective covering liable to turn over when stepped upon, and that the plaintiff, while under the direction of his foreman and on a lawful errand, stepped upon the same and was injured, the owner's negligence is for the jury, and although the boat was being repaired by another corporation, an employee of the latter was not a mere licensee, so that the owner owes him no higher duty than to refrain from wantonly injuring him, but on the contrary the employee was on the boat on the invitation of the owner, and it owed him the duty of reasonable care. *Casey v. Lehigh Valley R. R. Co.*, 128 App. Div. 86.

6. A workman was injured by the premature explosion of a dynamite cartridge which he was directed to use by his employer's foreman. A common law action for damages resulted in a verdict for the plaintiff but the Fourth Appellate Department unanimously reversed the judgment holding to the rule that the employer fulfills his duty by selecting a competent foreman and suitable appliances. Any negligence of the foreman in the execution of details of the work is that of a fellow employee for which the employer is not liable. *Mahoney v. Cayuga Lake Cement Co.*, 126 App. Div. 164.

7. A common laborer in a gypsum mine was killed by the fall of a portion of the top of the tunnel. It appears that the gypsum rock forming the roof of the mine slaked when exposed to the air and was then easily loosened unless properly supported. Plaintiff was engaged in transporting props to a "prop setter" when the accident occurred. He was ignorant of the danger and therefore could not be said to have assumed the risk and the master's negligence in failing to properly support the roof is beyond question. A verdict of \$2,500 for plaintiff was affirmed by a vote of three to two. *Janne v. United States Gypsum Co.*, 126 App. Div. 244.

8. Unanimously reversing judgment it was held that a master engaged in the construction of a large building is under a duty to his employees to light the place so that they may be able, by the careful exercise of their senses, to observe dangers. Where, in an action against a master to recover for injuries received by an employee who on reporting for work fell into a pit, the evidence is conflicting as to whether the place was lighted, the negligence of the master and the contributory negligence of the servant are for the jury. Although a workman, when entering a building under construction in response to a notice to report with his tools for work, is not yet under employment, the person summoning him is under a duty to have the place so lighted that the dangers may be seen. *Bausert v. Thompson-Starrett Co.*, 126 App. Div. 332.

9. A lineman while making measurements between high tension electrical wires with a linen tape received a shock. It appeared that this tape which was furnished by defendant contained copper wires concealed inside the linen and when the tape touched the two wires simultaneously a considerable amount of electricity passed through the tape so that plaintiff was burned and fell from a pole to the ground. An award of \$2,250 damages was made at trial court and affirmed (three to two) by the Third Appellate Department on the ground that it is negligence for a telephone company to furnish a servant such a tape for such a purpose, especially where the superintendent knew of its dangerous character. The fact that a fellow-servant shook the tape during the measuring, which might have caused it to touch the high tension wire, does not relieve the defendant from its primary negligence in furnish-

ing the tape. *Murphy v. Hudson River Telephone Co.*, 127 App. Div. 450.

10. A brakeman was killed by striking against a low bridge while at work on the tops of moving cars. Suit was brought and a jury awarded plaintiff \$6,500 damages, but at the close of the action the trial judge granted a motion for a non-suit. Plaintiff then took an appeal and the Fourth Appellate Department, by four to one, set aside the non-suit and reinstated the award of the jury. It was held that a brakeman required to work on the roof, of moving cars is justified in relying upon "telltales" maintained by the railroad to warn him of the nearness of a low bridge, although he has been under the bridge fifteen times before. Where strands are missing from such "telltale" so that there is room for a brakeman to pass through the open space so caused, he is not as a matter of law guilty of contributory negligence in failing to observe a low bridge where he has duties to perform which engross his attention and his vision is partially obscured by smoke. *Harrison v. New York Central & H. R. R. Co.*, 127 App. Div. 804.

11. Reversing judgment below, it was held that in an action to recover for the death of a lineman who was killed by the turning on of an electric current from the power-house while he was engaged in repairing wires, it is proper to leave it to the jury to determine whether the defendant was negligent in not promulgating a rule to the effect that the electric current should not be turned on while employees were engaged in repairing the line until the engineer in charge of the power-house had received notice that the work was completed and the workmen were out of danger. This is true, although there be no evidence of such rule in any similar business, for the danger is so obvious and the consequences so serious that a jury may find the necessity of such a rule without evidence of its existence in other cases. But it is reversible error to decline to charge that no negligence can be predicated upon a failure to promulgate a rule that the power should not be turned on while a lineman was working on the lines, as such rule is unnecessary, being merely a direction to the engineer not to kill or injure a fellow-servant. *Van Alstine v. Standard Light, Heat & Power Co.*, 128 App. Div. 58.

. OLD AGE PENSIONS FOR UNION PRINTERS.

While comparatively small branches in this country of the Amalgamated Society of Engineers and the Amalgamated Society of Carpenters and Joiners, both with headquarters in England, have for years paid superannuation benefits, the first distinctively American trade organization to inaugurate an old age pension system for its members is the International Typographical Union. The progress of this effort of the associated journeymen printers will be viewed with interest by national unions of other trades, and if the plan be successful, the movement to provide a stipulated allowance for members in their declining years, thus obviating the dread of future penury, will doubtless become general among associations of labor in the United States.

At its annual convention in 1905 the International Typographical Union went on record in opposition to the establishment of an old-age pension fund by the federal government; the delegates voting down a proposition "that the executive council use its best efforts to induce the Congress of the United States to pass a bill which will secure to every wage-worker in the United States who has earned not more than \$1,000 average wage per year, a pension of not less than \$12 per month at the age of 60, and there after for the rest of his or her natural life; provided, that such wage-worker is a citizen of the United States and has lived in this country for at least twenty-one years continuously at the time when the application is made." Nevertheless, at the same session the union viewed with favor a resolution "that the president is hereby requested to appoint a committee of three, who shall thoroughly investigate and report to the next convention a plan for the inauguration of a system of pensions and relief for aged and sick members."

The eight-hour movement, begun on January 1, 1906, having overshadowed all other propositions and ventures of the union, the committee was not designated during that year, President Lynch believing "that it would be unwise and a distinct blow to the meritorious principle set forth in the resolution to appoint the committee and have its report come before the convention at this unpropitious time."

It was explained by the executive in his report to the 1906 convention that "it will be several months before all of the business incident to the eight-hour movement has been adjusted, and it undoubtedly will be many months before the membership will favorably consider any proposition to increase the dues or provide for an additional assessment such as would be necessary to adequately finance an old-age pension scheme." He was, therefore, of the opinion that "it would be for the benefit of the proposition to again authorize the president to appoint a committee as outlined in the resolution, this committee to submit its report to the next convention, provided in the meantime conditions so adjust themselves as to make the putting into effect of the scheme advisable and feasible."

This recommendation was sanctioned, the committee was appointed and submitted its report to the 1907 convention. "It is incumbent upon the International Typographical Union," observed the committee, "to devise some method for caring for our old and infirm members who, through their steadfast loyalty and many sacrifices to the International Typographical Union, have made our present organization possible — a plan that will insure them against abject poverty and public or private charity; a pension suitable to their needs. Such a system is in keeping with the dignity and policy of the organization. The recent eight-hour struggle has left many old men, who gave up the last position they would ever have for the principle and honor involved, and for these benefits, lasting and positive to the young men, the old men have sacrificed their all, thus placing the International Union under a heavy mortgage to them, since, without their aid, the eight-hour struggle would not have been so successful. The membership must be cognizant of the fact that there are many aged and incapacitated members who are unable to avail themselves of the benefits of the Union Printers' Home at Colorado Springs, because of family ties and long associations in their respective localities. The committee, mindful of this condition, believes that an old-age pension is a solution of the question that confronts the International Typographical Union in discharging its obligation to such members as cannot take advantage of the Home and its blessings. Aside from the sentimental features involved there are at least two other points in the old-age pension plan that should appeal

to every member: (1) As an organizing factor its value to the International would be inestimable. To the printer outside the ranks it is sure to be so attractive, once it is established, that, instead of remaining outside, a constant menace, he is sure to identify himself with the union. (2) Because, as its basic feature, it has a provision for twenty years' continuous membership, lapses for any cause are sure to be reduced to a minimum. The fact that the International will reward the loyalty of its members by providing for their declining years will cause many to consider well before severing their connection with the organization for any of the trivial reasons which now influence them. It is apparent to your committee that an old-age pension, no matter how carefully wrought, or painstakingly considered, is sure to be an experiment, yet we submit this plan for your earnest consideration, confident that experience will point the way to needed changes, until it will finally rest on a satisfactory working basis." The committee suggested that the revenue for the pension fund be derived from an assessment of one-half of 1 per cent on the weekly earnings of the membership. It estimated that there would be 500 eligible pension applicants, that the yearly receipts would aggregate \$168,000, that the annual disbursements to pensioners would amount to \$104,000, and that the balance, \$64,000, would be for the sinking fund, administration, and incidental expenses. In conclusion the committee presented the following plan:

"Section 6. Any member of the International Typographical Union (including members of the Typographia at the time of the consolidation with the International Typographical Union) who has reached the age of 60 years, and who has been in continuous good standing for a period of twenty years, and who finds it impossible to secure sustaining employment, and who has no other adequate means of support, may receive the sum of \$4 per week, subject to the provisions hereinafter set forth.

"Section 7. Applications for pensions shall be made on blank forms prepared and furnished from international headquarters. Applicants shall set forth all the facts and answer fully all the questions contained in said form, which shall be certified to by the executive officers of the local union of which applicant is a member. Said application to be published in the Typographical Journal, and should no objection be made within thirty days from the date of said publication the member shall then be placed on the pension roll. Should objection be raised, the case shall be investigated by the executive council.

"Section 8. Any member earning \$4 or over in any one week shall not be entitled to pension for that week.

"Section 9. Secretaries of subordinate unions shall forward weekly to the international secretary-treasurer a true and correct list of applicants entitled to pensions. On receipt of such list the international secretary-treasurer shall transmit the amount due to the local secretary for distribution.

"Section 10. Any beneficiary who has knowingly testified falsely concerning his or her qualifications as a worthy applicant for said pension shall be debarred from receiving pension for such time as the executive council may deem fit.

"Section 11. The executive council shall have the power at all times to review any pension case, and if in their opinion circumstances warrant it the beneficiary may be debarred from further participation in the pension fund.

"Section 12. In order to meet exigencies that may arise, the executive council is authorized and empowered to make such changes in administering the old age pension fund as they may deem wise after said plan has been established.

"Section 13. The assessment for the old age fund shall begin January 1, 1908; *Provided*, The present 2 per cent assessment for the eight-hour strike has been taken off on or before that date. In no event is this section to become operative until the strike assessment is discontinued. The disbursement of said pension to begin five months from the date of levying first assessment for old age pension fund.

"Section 14. For the purpose of securing necessary data the international secretary-treasurer shall furnish local secretaries with blanks to be filled out by each member, setting forth his or her record as a member of the International Typographical Union. Said blank to be returned to International secretary-treasurer for future reference."

The report of the committee was adopted by the convention and later was ratified by the referendum by a vote of 17,177 for and 9,194 against — a majority of 7,893 in favor of the proposition. At the 1908 conclave of the International Union section 8 of the plan was amended so as to read (the new matter being italicized): "Any member earning \$4 or over in any one week *at the printing trade* shall not be entitled to pension for that week."

On March 21, 1908, the eight-hour assessment having been eliminated, the pension levy became effective. Acting under the provision authorizing them "to make such changes in administering the old-age pension fund as they may deem wise, after said plan has been established," the executive council made these rulings in August:

"1. The executive council approves all pension applications on the understanding that the applicant, eligible in all other particulars and requirements, 'finds it impossible to secure sustaining employment' at the trade.

"2. Where members, applicants for the pension, are residents of institutions maintained by the nation, state, county or municipality, they shall not be eligible for the pension while at such institutions.

"3. Where members, applicants for the pension, also draw a pension from the nation, state, county or municipality, or from employers or other sources, and are not residents of publicly supported institutions, they shall be eligible for the pension.

"4. Residents of the Union Printers Home shall not be eligible for the pension while at that institution.

"5. Members who make \$4 per week or more at the printing business shall not be eligible for the pension.

"6. The executive council, in considering pension applications, shall place a liberal construction upon the clause, 'and who has no other adequate means of support.'

"7. Pensioners must now and at all times be in possession of a current working card, with the proper International due stamp attached, showing International dues and assessments to have been paid.

"8. The pension is to be paid every four weeks, checks therefor to be payable to the interested member and transmitted to him through the secretary of his union.

"9. Holders of traveling cards, desiring to apply for the pension, must deposit their cards with a local union, and file their petition through it.

"10. 'Blanks to be filled out by each member, setting forth his or her record,' etc., appearing in section 14 of the pension law, governs only those applying for a pension, as provided in section 7 thereof."

Details incident to the inauguration of disbursements under the law progressed speedily, so that before September 30th quite a number of members whose applications had been approved received their initial payments from the pension fund. At the close of November the receipts from the eight months' assessment amounted to \$120,224.86 — a monthly average of \$15,028.10. At this rate the yearly receipts will aggregate more than \$180,000. The expenditures for a period of three months footed up \$19,193.61, so that on November 20th there was a balance of \$101,031.25 in the fund.

When Secretary-Treasurer Bramwood's report for November closed there were 476 pensioners on the roll. Of that number 191 (40 per cent) were in New York State — there being 158 in New York City, 10 in Albany, 1 in Buffalo, 5 in Lockport, 6 in Rochester, 2 in Schenectady, 5 in Syracuse, 1 in Troy, and 3 in Utica. The remaining 285 were residents of 80 cities in other parts of the United States and in Canada. On the date named there were 36 applications of pensionable members awaiting the decision of the executive council.

An analysis of the ages of the 476 pensioners develops the notable fact that 58.8 per cent (280) of them are between 60 and 70 years, 36 per cent (171) are septuagenarians, 5 per cent (21) are octogenarians, while one is a nonagenarian. The latter member is affiliated with Typographical Union No. 6 in New York City. In September in a letter of appreciation to the clerk of the printers' benefit board written in a firm, legible hand that would do credit to a man of 40 years, this elderly compositor said: "On the first day of November next, God willing, I shall then enter my 94th year and my 73d as a typo unionist; 42 of which I have spent as a member of New York Typographical Union — Big Six. I deem it an honor and great blessing that the officials of the International Typographical Union deemed me worthy of being placed upon the pension fund." One woman was placed on the roster. She is 62 years of age and has been a member of typographical unions for 32 consecutive years.

Number and Ages of Pensioners on Typographical Union Rolls at End of November, 1903.

NUMBER OF PENSIONERS.			Age of each. (years.)
In New York State.	In other localities.	Total.	
13	18	31	60
16	13	29	61
7	20	27	62
10	11	21	63
11	17	28	64
15	18	33	65
10	21	31	66
8	11	19	67
11	17	28	68
17	16	33	69
10	17	27	70
10	12	22	71
11	17	28	72
4	14	18	73
6	6	12	74
8	14	22	75
4	9	13	76
3	9	12	77
4	4	8	78
5	4	9	79
2	6	8	80
2	3	5	81
1		1	82
1	1	2	83
	2	2	84
1	2	3	85
	1	1	86
	2	2	88
1		1	93
191	285	476	

Speaking of the value of continuous membership, the president of the International Typographical Union observes that members who sever their connection with that organization, "either through dropping out or by the taking of withdrawal cards, by that action and at that moment terminate their continuous membership, and in order to be eligible to the pension fund twenty years' continuous membership from the date of reaffiliation will be necessary. Many members in good health and able to earn a livelihood at the trade are, as is human, prone to be careless as to the pension fund, basing their attitude on the insecure foundation of never needing the assistance that the pension will give. Notwithstanding this, there is not a member to-day who may not at some future period be placed in the direst financial need, unable to work, or unable to obtain it because of age or infirmity, and, needing the pension, then find that he is ineligible on account of lapse in membership through suspension for non-payment of dues and assessments, the taking out of an honorary withdrawal card, or leaving the local union. This applies also to those members who got into other lines of industrial activity. The time may arrive when they will find it necessary to return to the compositor's art for a livelihood, and will reach a condition in which the pension, small as it may be considered by those in the full possession of strength and the ability to work, will be a real blessing enjoyed as a right and not as a privilege." Examination of the figures in the table that follows leads me to the conclusion that the 476 pensioners are not only in accord with their president's views, but they have demonstrated their belief in the utility and principles of their organization by retaining their membership constantly throughout the long periods set forth in the statement. Forty-two (8.8 per cent) of these printers have been good-standing members for fifty years and upward, 149 (31.3 per cent) between forty and forty-nine years, 96 (20.2 per cent) from thirty to thirty-nine years, 78 (16.4 per cent) twenty-five to twenty-nine years, and 111 (23.3 per cent) twenty to twenty-four years.

Duration of Continuous Membership of Pensioners in Typographical Unions.

Number of pensioners.	Years of continuous membership.	Number of pensioners.	Years of continuous membership.
111	20 to 24	9	43
28	25	11	44
14	26	12	45
16	27	3	46
12	28	3	47
8	29	11	48
6	30	11	49
5	31	15	50
5	32	4	51
7	33	4	52
8	34	2	53
7	35	6	54
9	36	3	55
9	37	4	56
21	38	2	58
19	39	1	60
41	40	1	72
20	41		
28	42	476	

While the International Typographical Union permits the payment of \$4 per week, or \$208 per year, to each of its pensioners, who at present represent 1 per cent of the membership (45,198), the rules of the Amalgamated Society of Engineers provide that in the United States any member 55 years of age who has been twenty-five years successively in the society, and who through old age or infirmity cannot obtain the ordinary rate of wages or who is unable to follow his usual occupation, is entitled to a superannuation benefit of \$2.10 per week; if thirty years a member, \$2.40; if thirty-five years, \$2.70; if forty years or upward, \$3. For fifty-eight years this society has been paying old-age pensions to its members, and in that time it has disbursed for that purpose throughout its jurisdiction \$9,957,881. At present it distributes \$645,297 annually among its 5,598 aged members. This figure represents 5 per cent of its total membership (110,084) and the yearly payment per capita is \$115.28. In its American council the society has 2,821 members, 210 (7.4 per cent) of whom are at present enjoying pensions. The Amalgamated Engineers' Monthly Journal for December, 1908, issued in London, Eng., comments thus upon the question of superannuation benefits:

"Whilst there is probably no other benefit to which, and for which, the members more cheerfully pay, yet it is well to keep in view the problem of superannuation as it grows from year to year. When it is noted that of the 1s. 6d. (36 cents) per week contributions, 7d. (14 cents) is due for payment of current superannuation benefit, without in any way augmenting the super-

annuation fund for future benefits of present payers, the growing seriousness of the said benefit is apparent. And it will be a problem to be discussed in the not far distant future how the inauguration and extension of State old-age pensions shall insure some relief to the society from the burden of superannuation expenditure, as well as augmenting the income of the recipients of that benefit."

The by-laws of the Amalgamated Society of Carpenters and Joiners provide that any good-standing member in the United States district who is 50 years of age, and incapable of earning the usual amount of wages in the locality in which he is employed, if he has been twenty-five years successively in the society shall be allowed \$2.80 per week for life; and any carpenter of the same age who has been continuously a member for eighteen years shall receive \$2.45 per week for life. After a member has been placed upon the superannuation list he cannot, however, receive the benefit if earning more than half the rate of wages. Under the rules a member who is more than 50 years of age, if he continue to labor at carpentry and is not able to obtain the prevailing wage-rate, is permitted to work at a reduced rate. This society pays out yearly \$210,841 to 2,172 superannuated members (3 per cent of a total membership of 68,735), the average disbursement annually per pensioner being \$97.07. The aggregate expenditure for superannuation benefits in the past forty-one years was \$1,822,417. In the United States district there are 5,673 members, 57 (1 per cent) of whom are in receipt of old-age pensions.

Another fact worthy of mention in this connection is that in seventy of the leading trade unions of Great Britain there are 13,383 pensioners, who receive \$1,249,492 annually — an average of \$93.36 per beneficiary.

The fifteenth biennial convention of the United Brotherhood of Carpenters and Joiners of America, held at Salt Lake City, Utah, September 21 to October 2, 1908, ordered that the following new constitutional provision relating to old-age pensions, be submitted to the referendum for ratification:

"Any member who has been twenty-five years a member of the United Brotherhood continuously and has reached the age of 60 years, and is incapacitated to such an extent that he cannot earn over 75 per cent of the wages in the district in which he works, shall be entitled to \$150 per year, to be paid quarterly by the general treasurer upon the recommendation of

the local of which he is a member and the approval of the general treasurer and general secretary.

"To pay for this benefit it will be necessary to change Section 67 by adding five cents per month for each beneficial and semi-beneficial member. This amount shall be paid to the general office and shall be put into a separate fund, to be known as the superannuation benefit fund, and cannot be used for any other purpose.

"If this addition to Section 67 is not carried by referendum vote, Section 114 (a) shall be null and void.

"If this addition known as Section 114 (a) shall be adopted by a referendum vote, it shall go into effect January 1, 1910.

On December 24th General Secretary Frank Duffy, of the United Brotherhood, in a communication to the writer, stated that "the old-age pension plan proposed at our Salt Lake City convention has been defeated by the referendum vote of this organization."

EMPLOYERS' LIABILITY OR WORKMEN'S COMPENSATION?*

Twenty thousand factory and shop workers in this Empire State injured by accidents in one year! That, observe, is a list of casualties for only two of the great branches of industry, namely, manufacturing and mining, and does not represent complete figures even for those. No one can tell what the grand total of killed and wounded in the whole army of industrial workers in this state in a single year is. To know that, one would have to consider the other great branches of industry, especially transportation and building, not to mention agriculture, fisheries and forestry which have their hazards also. For the great transportation industry here are two significant totals from the reports of the Public Service Commission. For the year ended June 30, 1907, there were 2,025 reported injuries to employees (449 fatal) on the steam railroads of the state. In the last six months of 1907 there were 426 casualties to employees (65 fatalities) on street railways reported by telephone to the Commission for the first district, which is practically New York City. For the building and construction industry we know nothing at all as to total figures, but here is a single item that is suggestive. The Central Federated Union in New York City reported the other day, after investigation among its members, that no less than fifty-five men had been killed in the construction of the new Blackwell's Island bridge. Manifestly the 20,000 accidents in manufacturing and mining would have to be increased by thousands more before one would approach the total of all industrial accidents in this state in a single prosperous year.

But that 20,000, about which we know something of detail, is sufficiently large to give us food for thought. Let that thought be directed for the present to the following points: First, the burden imposed by these accidents; second, who now carries that burden; third, is the burden now justly placed; fourth, if not, where

*A paper read before the New York State Conference of Charities and Corrections at Elmira in November, 1908, by Chief Statistician L. W. Hatch.

should it be placed, confining ourselves all the time as closely as possible to New York State.

First, the burden entailed by industrial accidents. This comprises two elements: the one, the physical suffering of the injured man and the mental anguish of himself or friends; the other, the economic loss of wages and medical or funeral expenses. To get an idea of the physical suffering and mental anguish, note the extent of injury suffered in the different accidents. The 20,000 accidents quoted above is merely a round number based on the 19,431 accidents in factories, shops, mines and quarries in this state which were reported to the Bureau of Factory Inspection in the year ended September 30, 1907. So far as could be judged by reports made usually within a very brief period after the accident (the law requires report of accidents within forty-eight hours of occurrence), 14,298 of these injuries were only temporary. But many of these temporary injuries were no light matter as to physical suffering. For example, 665 of them involved fractures of bone. But on the other hand there were 2,733 cases in which the injury was plainly permanent and in 2,053 others the injury was so serious as to indicate probable permanent results at the time of the report. Of the 2,733 known permanent disablements, in 112 there was a loss of one or both arms, limbs, hands or feet; in 90 cases the sight of one or both eyes was destroyed; in 1,909 there was a loss of one or more fingers; in 174 cases there were permanent internal injuries. Finally there is a grim death roll of 344 or more than one death for every workday in the year. It needs but a very little imagination stirred by memory of sickness or death in one's own home to make of these cold figures an appalling picture of pain and anguish. Were it not the present purpose to be scrupulously unsensational, the above figures could be clothed with detail as horrid in kind, though not in such mass, as any battlefield description could offer, by simple quotation from the detailed statement of fatal accident cases in the last report of the Bureau of Factory Inspection.

But turn now to the economic burden entailed by accidents. First of all, of course, is the loss of wages. The range of this loss in different cases is simply unlimited. It extends all the way from the man who loses but fifteen minutes of working time for

the bandaging of a bruise to the workman whose life is cut off and in whose case the wage loss could be figured only in the capitalized earnings of a lifetime. Information happens to be at hand as to the loss of wages in thirty of the 1907 accidents. These were taken at random. Whether they are typical of all accidents or not is wholly uncertain. On the one hand they probably represent the more serious of non-fatal accidents, but on the other include no fatal cases. But, however typical, they will serve for concrete illustration of the point in hand. The loss of working time in them varied from one day to seventy-five weeks and in the latter case the man was still idle at the time of report. For the thirty cases the total time lost, so far as could be known at the time of report, was 349 weeks. The total loss in wages of these thirty workers was in that time \$4,505. In the case of five the loss was not over \$25. Twelve lost from \$50 to \$100 and thirteen over \$100, of whom four lost over \$400. The average loss for the thirty was \$150. Compare this with the average annual wage of male factory workers over sixteen years of age in this State (all of the thirty employees above considered were men over sixteen except one), computed from the figures of the federal census of manufactures for 1905, which was \$579. It will be seen that the average wage loss in these thirty more serious but non-fatal accidents was equal to 26 per cent of the average annual wage in manufacturing industries.

But the loss of earnings during the period of the worker's total disability is not always the only wage loss. Of the thirty injured employees above referred to, twelve were reported to be unable, after the accidents, to do the same work as before, and five returned to work at lower wages than they were receiving prior to the accidents. Here is indicated for some cases permanently lowered earning capacity with continuous effect on wages thereafter. In the extreme case of permanent complete disablement such loss rises to that in fatal accidents when, of course, there is, for the family, a permanent total loss of wages.

Loss of wages is the chief element in the financial burden of accidental injuries but not the only one. In addition there is the immediate burden of expense for medical care, or burial in fatal cases. Figures for such losses are even more meager than for

wage losses. This point was definitely reported in only thirteen of the above thirty cases and in these the medical expenses varied all the way from \$1 to \$175, except in one very serious case for which that outlay was stated to have been \$500.

Now the mere size of the economic burden entailed by accidents suggested above is not unimpressive. But to realize its true significance it is necessary to consider it in relation to the economic position of the wage earner. Mrs. More, in her study of "Wage Earners' Budgets," found that in 200 wage earners' families in New York City whose average annual income (\$851) was considerably above that of the average male factory worker over sixteen years of age in that city (\$628) the average annual surplus of income over expenditures was \$15.13. It was noted above that in thirty accidents taken at random the average loss in wages was \$150. It was frankly admitted that it was entirely uncertain just how typical these thirty cases are. But in the interests of statistical caution cut this average wage loss in two, and you still have a loss of income, to say nothing of medical expenses, equal to five times the average surplus found by Mrs. More. Moreover, 153 of her 200 families had a deficit or just came out even at the end of the year. In other words the economic burden of industrial accidents often falls where it tends to press down immediately to actual poverty. Mrs. More concluded that one of the chief causes of dependency in the families she investigated was that of "illness or death of principal wage earner." Among the thirty accident cases here frequently adverted to, and none of them fatal accidents, it actually appears that in nine, other members of the family, wife or children, were compelled to go to work or to work harder as a result of the accident. This was only the first fruit of these catastrophies, such as could be seen within a few months of their occurrence. It is hardly necessary to point out to an audience of those more or less expert or specially interested in charitable work that such economic burdens often work out their full results only in a long course of time. To quote Amos G. Warner in his "American Charities," "frequently pauperism does not result until years afterward, when a widowed mother has broken down in the attempt to support her family, or

when some aged or incapable relative has been turned adrift from the incapacity of the family to maintain him longer."

Such, hinted at rather than adequately described, is the burden of human suffering and economic loss connected with industrial accidents. It is sufficiently great to demand as a pressing practical problem of justice and humanity earnest inquiry as to where it now rests and whether it ought to rest there.

One part of the burden does and can rest in only one place. The physical pain and mental anguish, save in so far as the latter may be intensified by the economic burden, can by no means be shifted from the injured worker or his friends. Concerning this burden civilized society can entertain but one ideal, namely, all possible prevention of accidents, which experience indicates is to be attained primarily by means of vigorously enforced factory laws for the safeguarding of work places, together with the education afforded by museums of safety devices.

But the economic burden, whose first incidence is also upon the injured workman or his friends, may be shifted. It has already been indicated that not infrequently some part of the burden ultimately comes upon society at large in the form of public charity due to the dependence of injured workmen or their families. This, however, amounts rather to an alleviation of the ultimate effects of the burden than to an actual shifting of it and is but a drop in the bucket at the most. The main question concerns the shifting of the burden from employee to employer. This actually occurs at present in one of two ways; by voluntary assumption of some part of the burden by the employer or by compulsory assessment of it upon him as matter of law.

Voluntary assumption of the burden by employers occurs in various ways. Frequently it takes the direct forms of payment of wages in full or in part during disability, or payment of some or all of the medical expenses, or simple donation of a lump sum, or some combination of these forms. A not uncommon form of voluntary assistance appears in employees' benefit associations, or relief departments, paying accident benefits to which the employer contributes either in cash or by free services of administration. Sometimes an employer will insure his employees collectively with a commercial insurance company and pay some part

of the premiums himself. Finally, in a few rare cases, employers maintain a regular system of compensation of their own without cost to employees.

To what extent the financial burden of accidents is thus transferred from worker to employer by the voluntary initiative of the latter in these various ways, we are unfortunately without precise information. Some evidence on this point is afforded, however, by the following figures from the report of the State Bureau of Labor Statistics for 1899. Therein, for a total of 1,657 cases, it was found that the employer paid wages in full in 14 per cent of the cases, wages in part in $2\frac{1}{4}$ per cent, medical expenses in $1\frac{1}{3}$ per cent, medical expenses and some other assistance in $\frac{3}{4}$ of 1 per cent, and all costs of the accident in $2\frac{1}{4}$ per cent. In 8 per cent of the cases it was reported that assistance was received from an employers' and employees mutual benefit association, and in $3\frac{1}{5}$ per cent from an insurance company. Too much ought not to be assumed as to the general applicability of these proportions. But if it be borne in mind that they represent only non-fatal accidents and that in the case of mutual benefit associations, relief departments and workmen's collective insurance the great bulk of accident relief is, as a matter of fact, paid by the employees themselves, and if allowance be made for the use of nominally "voluntary" assistance as a means of escape from legal liability, it seems safe to infer that the portion of the economic burden of industrial accidents now voluntarily assumed by employers in this State is but a small fraction of the whole.

But is there not hope that with advancing enlightenment of employers as to their obligation for the welfare of their employees there will be an extension of this voluntary assumption of the burden? To this question the best evidence available does not afford a hopeful answer. Passing over an inherent defect in much of such voluntary assistance, due to its menace to the workers' independence, a fundamental difficulty in the way of its extension lies in the fact that voluntary assistance, if it is to meet the need at all adequately, must be freed entirely from the element of uncertainty, which now attaches to much of it, and must

take the form of a fixed and permanent system for all accidents. The financial risk involved in such a system is too great for any but the very strongest employers to carry individually, so that for employers generally some form of associated insurance would be indispensable. Any movement in this direction short of a general one for a given industry would break down before the economic law that the level of competition tends to be controlled by the standard of the least liberal employer. No, admirable as the idea may appear, that employers generally will voluntarily co-operate and assume the burden of industrial accidents, it must be classed as a dream which is nearer the millennium than the present day.

This brings us to the vital question in the whole matter. How much of the economic burden of accidents does society, through the voice of law, say the workman may, as of right, shift to the employer, and is society now doing justice in this matter?

The law which answers this question in New York State is found in the common law of employers' liability for accidents to employees as it has been slightly modified by two statutes; one, the act of 1902, known as the Employers' Liability Act, the other an act of 1906, usually referred to as the Railway Liability Act. Stripped of legal phrase, and ignoring minor qualifications, the law says to the injured workman essentially this: Your employer must exercise due care for your safety while at work, as to place, materials, appliances, competent fellow workmen, and rules for conduct of the work, the care due being such as a reasonably prudent man would ordinarily exercise. At the same time you and your fellow workmen must exercise due care to avoid danger. If now you can prove that the accident was caused by some negligence of your employer as to the above duty and can also prove, if necessary, that you yourself did not neglect to be careful, in any such way as to lead to the accident, and that none of your fellow workmen (other than superintendents, foremen or those controlling the movement of trains) did, then you may claim as legal right that the economic burden of the accident shall be shifted to the employer. This right you must assert and prove, however, in a civil suit.

Let us see now how this works in practice and how much good

it does the injured workman. Note first, that the method of determining the workman's right places him and his employer in an antagonistic attitude and that they do not stand on equal terms in the contest. Damage suits are never calculated to induce friendly relations between the litigants, and a suit between employer and employee, quite as likely as not, pits a man earning only a bare subsistence, or a widow close to poverty, against an opponent (be it the employer or an insurance company who insures him against this liability) with plenty of capital at his back. An illustration of the possible results of this inequality of financial position is afforded by a case of which the particulars happen to be at hand, in which an employee, who had been two months idle as the result of an injury and who proposed to bring suit, was threatened by the employer with dismissal if he did, and being in pressing need of work was thus forced to abandon the action.

In the second place the method is full of vexatious uncertainty and cruel delay. The question of negligence must be determined according to the circumstances of each case and the circumstances of different accidents vary almost infinitely, with scarcely any two precisely alike. The result is that in the effort to interpret what fulfils that wholly indefinite requirement of "reasonable" care under constantly varying circumstances, judges themselves, to say nothing of juries, constantly fall into error resulting in constant appeals and new trials. Three years is generally accepted as about the average time required at present to finally determine such suits in New York State. Meantime the injured workman or his family is carrying the whole burden of the accident, whereby such a thing as the following, noted by chance in the daily paper, becomes only too possible. A news item in 1907, slightly condensed, reads thus: "Yesterday the Appellate Division reversed judgment and granted a new trial in the action brought by Margaret Wren to recover \$10,000 for the death of her husband, who died from the effects of burns received by the contents of a ladle filled with molten iron falling upon his head and body on December 26, 1900. Mrs. Wren has six children, all of whom are depending upon her for support." Further, the amount of damages which may be recovered for a given injury is

wholly dependent upon the will of juries, resulting largely in guess work, often influenced by sentiment, so that damages awarded for the loss of a leg have been known to vary in nine different suits, from \$5,000 to \$35,000, with no two alike.

In the third place the method is enormously expensive and only a fraction of what employers pay out ever reaches the point of need, namely, the injured workman. Litigation is notoriously costly for all parties. It is common for employers to insure themselves with commercial insurance companies against their liability to pay damages to injured workmen so that in case of accident and suit the insurance company defends the case and, if it loses, pays the damages. In 1905 the employers in this state paid out in premiums for such insurance \$4,381,634 but the insurance companies paid to injured workmen for damages only \$1,393,931. In other words two-thirds of what the employers paid out went to the insurance companies to pay the expenses of their business or profits. But still worse, the other one-third did not all reach the injured workman by any means. According to those well informed in the matter, the average contingent fee received by plaintiffs' attorneys in suits of this kind is between a third and a half of the amount recovered. Verily, whatever of the economic burden of industrial accidents is actually shifted from the shoulders of the injured workman, through his legal right, doubles or trebles itself, if not more, by the time it reaches the employers' shoulders.

But finally, in the fourth place, as a matter of fact the present legal right of workmen can, at the best, shift only 10 to 15 per cent of the burden of accidents from their shoulders. That is the commonly accepted estimate of the proportion of all accidents in which there is any hope for the workman of proving negligence on the part of the employer.

So then, we have arrived at this: Society at present in New York State leaves 85 per cent of the economic burden of industrial accidents on the shoulders of the injured worker or his family save for a very limited possibility of voluntary sharing of the burden by the employer. Now why is this burden thus left in the great majority of cases upon the injured workman? Is it because 85 out of every 100 victims of accidents have failed to exercise the "due

care " which the law requires of employee as well as employer, as described above? No, for while it is true that many workmen are injured through their own carelessness, wherever statistics on the point have been collected they prove conclusively that in the great majority of cases accidents are not caused by the victims' carelessness. Thus for nearly 50,000 cases in five years investigated in Austria, in only 26 per cent could the accident be ascribed to the fault of the victim. German statistics show similar results. For a majority of the cases then the question still remains: How is this leaving of the burden on the injured workman or his friends justified? The simple truth is, it is not justified. It is simply left there as the result of a legal anachronism. The common law of employers' liability holds that the ordinary risks of an occupation, after the employer has discharged his duty of exercising reasonable care, are voluntarily assumed by the workman when he enters the occupation, on the theory that one who wittingly encounters a danger must take the consequences if he is injured; the assumption being that a workman of average intelligence understands the danger and is free to seek other employment if he does not care to incur such danger, the supposition being also that the workman in hazardous occupation receives a higher wage to compensate him for the extra risk. Now, without wasting any time on the legal subtleties of the argument, the vital defect in the whole thing is that it is historically out of date. The doctrine became established in the common law long before present conditions of work existed or were dreamed of. This was in the days before the industrial revolution when hand work in small shops prevailed, with the few dangers inherent in the work plainly obvious and practically in the hands of the workman as to control and under an industrial organization in which the artisan was nearly as independent economically as the master. Since those days the revolution wrought by steam and machinery has transformed the workshop into the factory where high power, swift machines, largely beyond his control, surround the workman on every hand and under an industrial organization in which the ability of workmen freely to choose or reject occupations with a view to escape their risks, or to secure higher wages as compensation therefor, are myths. Mechanical occupations have become so generally

hazardous that for a great mass of workers it is these or none, while that they are compensated for the hazard by a higher wage is wholly disproven by almost any wage statistics. In a word, while the workman's legal rights in the matter have remained stationary the necessary environment of his work has constantly grown more dangerous. The law inherited from hand-tool days is simply an absurdity in 1907 when in the factories of New York State for every accident caused by hand tools there were thirteen caused by mechanical power.

What now shall be the remedy? For it is hard to believe that public sentiment, once aware of the true state of the case as outlined above, will tolerate any other question. The answer is, simply fit the law to the fundamental fact of the case that the bulk of industrial accidents are due to the workers' environment and not to his fault in the sense that he is more careless than those in other walks of life. This means treating the injured workman as the *victim*, not the cause, of the accident and in place of a penalty giving him or his family compensation for loss of wages and medical expenses. Who shall pay this compensation? The answer to this is, that after all that is possible has been done to prevent accidents and outside of wilful misconduct of workmen, accidents must be regarded as practically a necessary incident of the modern productive processes by means of which society is able to enjoy the present degree of variety and cheapness in its food, clothing and housing. The cost of accidents which injure workmen should be made a part of the cost of production, just as the cost of accidents which do damage to factories by fire now is, to be included in the price of goods paid by society. It is society for whose benefit, in the last analysis, the risks of modern mechanical industry are incurred. Therefore it is only just to society, as well as to the workman, to thus transfer the burden. The practical method for transferring the cost of accidents to society at large, as consumer, is simply to require that in every accident not caused by wilful misconduct of workers the employer shall pay to the injured workman or his dependents a fixed compensation based on the economic loss to the latter, the employer recouping himself by inclusion of such expense, like any other of the costs of production, in the price

of the market product, this requirement of the individual employer being possibly supplemented, in order to make its fulfilment secure against his possible inability to pay, by obligatory insurance of employers against their liability to pay compensation.

Such is the alternative to which justice and social expediency point as the way of escape from the present intolerable situation, a way out which would not only do justice to the 85 per cent of injured workmen who have no possible chance at present of securing compensation at law, which is the main thing, but which it could easily be shown, did time permit, would do better justice to the other 15 per cent who now have some legal chance for recovery.

But passing over such detailed comparison of workmen's compensation with employers' liability, the prime question of practicability for New York State remains to be briefly considered. Fortunately as to the general question of the practicability of compulsory compensation for all accidents under modern industrial conditions, there is no necessity for discussion. The best test of practicability is experience and this test has been applied, for years in most cases, in nearly every other modern industrial country except the United States. Of such European nations only Switzerland now stands in the same class with us. Great Britain, whence our common law of liability came direct and whose industrial conditions most nearly resemble ours, abandoned that old law for the compensation system in 1897 for factories, mines, railways and large construction work, after two years extended it to agriculture and two years ago further extended it to mercantile establishments, shipping and domestic service and also extended it so as to cover certain trade diseases as well as accidents.

What then is there to hinder the adoption by New York State of a workmen's compensation act, which, like the English law, should require employers to pay every employee injured by accident "not attributable to his serious and wilful misconduct" one-half wages during his disability or in case of his death a sum equal to three years' wages to his dependents, with a certain fixed maximum in each case, those in the English law being in round numbers, \$5 for the weekly allowance and \$1,500 for fatal acci-

dents? In the light of European experience there is only one question to be raised here before a negative answer is inescapable, and that is: Could employers in this state bear the expense which would be involved without being unduly handicapped in competition with those in neighboring states not required to pay such compensation?

On this point two things are to be considered. In the first place, it is by no means certain that the cost of a compensation system similar to that of Great Britain would be much, if any, greater than the cost of present legal liability plus such voluntary compensation as now exists. On the contrary it probably would not. This belief that a compensation system would be little, or no, more expensive to employers in the long run than the present liability or voluntary assistance system, is based principally on the great saving which would be made in the costs of litigation and could be made in the cost of insurance. A component part of compulsory compensation systems, the success of which has been proven by experience is the settlement by arbitration of all disputed points between employer and employee with almost no expense to either. In the matter of cost of insurance there is almost no comparison between the commercial companies in this country which sell liability insurance and the employers' associations which have been established in Europe to provide insurance under compensation acts. Such associations, in Germany, for example, in 1904 required only 13.5 per cent of their income for administrative expenses, paying the remainder to injured workmen, while in this state in 1905, of the premiums paid by employers for liability insurance over 68 per cent went to the insurance companies for their expenses or profits. With the same economy of administration as in Germany there would have been five times as much to go to injured workmen.

Absolute proof that the possible economies in the present system would offset any additional expense which might be entailed by such a compensation scheme as that of Great Britain is out of the question, owing to the inadequacy of the existing statistics. The best statistical test of the question thus far made is one recently undertaken by the Wisconsin Bureau of Labor and Industrial Statistics, the results of which appear in Part I of the

Thirteenth Biennial Report of that bureau, published as this paper was in preparation. An estimate therein, based on the experience of over 800 employers, and worked out carefully in every detail, leads to the conclusion that, "Assuming an economical administration of funds, the manufacturing establishments reported in the federal census of 1905 (for Wisconsin) could pay to every person incapacitated by an injury in the course of his employment in these establishments, regardless of negligence, the following scale of payments at a cost not greatly in advance of what the existing employers' liability premiums would amount to for these establishments at existing rates: in fatal cases, three times the annual wages; in non-fatal cases, one-half wages during total disablement after the second week for one year, and an additional payment of \$500 or less to those partly disabled for life according to the degree of such permanent disablement, and in addition first medical aid in all cases." This scale of compensation approximates very closely to that which was established by the English Compensation Act of 1897. Notice, too, that this estimate of what could be done reckons on present cost of liability insurance alone without considering what some employers now voluntarily pay in addition in the way of wages during disability, medical expenses or lump sums.

But in the second place, even allowing that compulsory compensation might impose a slight additional expense on employers in this state, it must be borne in mind that the problem in that case would only be the same that has always had to be faced in this country with reference to industrial reforms. Regulation of industry being left to the individual states, while competition is no respecter of state lines, every first step forward has had to be taken by some one state courageous enough to regard human life as of importance to society before dollars and cents. Child labor has always existed because it was cheap and the first states to restrict it undoubtedly laid an expense upon their employers of which those in other states were free. But does any one now dare to argue that those states made a mistake? On the contrary they stand rather in honor as having been pioneers of progress, and, what is equally significant, they have drawn other states after them, and it is only fair in a problem of this kind to give due regard to this tendency of reform to spread from one state to another.

Germany adopted compulsory compensation for accidents eleven years before any other country except Austria, and three years before Austria, and she not only was not ruined by the competition of her European neighbors but, largely as the result of her example, has seen the system established generally throughout Europe. The call to a similar rôle in this country comes now directly to the individual states, for the Federal Government has gone about as far as it can certainly go at present, in view of the recent decision on the railway employers' liability act of 1906, by passing this year a compensation act for government employees. To what state can the call be more urgent than to the foremost manufacturing state in the Union, which is New York State?

RECENT LABOR REPORTS.

United States.

Bulletin of the Bureau of Labor. Department of Commerce and Labor. July, 1908, No. 77, Washington, 1908.

Leading articles: Wages and hours of labor, 1890-1907; retail prices of food, 1890-1907; compensation for injured government employees.

ILLINOIS.

Twenty-sixth annual coal report of the Illinois Bureau of Labor Statistics, 1907; also the ninth annual report of the Illinois free employment offices for the year ended September 30, 1907. Springfield, 1908. Pages 418+84.

MASSACHUSETTS.

Labor bulletin issued by the Bureau of Statistics of Labor. Vol. XIII, No. 6. Boston, September, 1908.

Contents: The state of employment in the organized industries; trade union directory.

Twenty-second annual report on the statistics of manufactures for the year 1907. Bureau of Statistics of Labor, Boston, 1908. Pages xxxv+82.

The report contains statistics of all leading manufacturing industries in Massachusetts, in regard to capital invested, wages paid, number of wage earners, product, employment by months, classified weekly wages by industries, comparative statistics of wages for the years 1897 and 1907, working time and proportion of business done. While statistics in former reports were confined to identical establishments reporting in preceding years, the present report includes also new establishments, and establishments not reporting previously, making data more complete and available for comparison with census returns.

Eighth annual report on strikes and lockouts in Massachusetts for the year ending September 30, 1907. Part VI of the annual report on the statistics of labor for 1907. Pages 471-554.

First annual report on changes in rates of wages and hours of labor in Massachusetts for the year ending September 30, 1907. Part VII of the annual report on the statistics of labor for 1907. Boston, 1908, pages 557-652.

This is the first report giving elaborate and systematic statistics on changes in the rates of wages and hours of labor issued by the Massachusetts bureau of statistics of labor. The sources of information were local newspapers, periodical reports of employers' associations, trade unions, the State Board of Conciliation and Arbitration, and direct information from employers and employees.

NEW HAMPSHIRE.

Seventh biennial report of the Bureau of Labor of the State of New Hampshire, 1907-1908. Concord, 1908, 199 pages.

Contents: The leading industries of New Hampshire (pages 17-21); statistics by industries, capital invested, wages, production (pages 23-59); industrial statistics by counties (pages 60-70); industrial statistics by cities and towns (pages 71-93); unoccupied manufacturing plants (pages 94-112); manual training (pages 113-122); strikes (pages 123-124); New Hampshire labor laws (pages 124-153); labor organizations (pages 154-191).

PENNSYLVANIA.

Thirty-fifth annual report of the Bureau of Industrial Statistics, 1907, being Part III of the report of the Secretary of Internal Affairs. Harrisburg, 1908, 278 pages.

The report deals mainly with statistics of manufactures. The following is a statistical summary taken from the report: Total number of establishments, 23,495; capital invested, \$1,995,836,988; salaried officials, 66,081; salaries received, \$73,289,007; wage earners, 763,282, including 134,344 women and 34,451 children under 16 years; wages earned, \$367,960,890; cost of material used, \$1,142,942,707; miscellaneous expenses, \$167,267,247; value of products, including repairing, \$1,955,451,332. The average yearly earnings in 1907 were \$642 for males, \$311 for females and \$225 for minors under 16 years.

WISCONSIN.

Thirteenth biennial report of the Bureau of Labor and Industrial Statistics. Parts I-III, 1907-1908. Madison, 1908, 504 pages.

Contents of Part I (pages 1-143): The employers' liability problem in Wisconsin; statistics of accidents in Wisconsin; the money aspect of industrial accidents; analysis of policy conditions in employers' liability insurance; mutual accident associations in Wisconsin; comments of employers and views of the State Federation of Labor; legislation in Wisconsin; the working of the English compensation law; the German accident insurance system; the French accident insurance system; general summary and proposed reforms.

Part II (pages 147-475), contains manufacturing returns, 1906-1907, dealing with number of establishments, number of persons employed, days in operation, capital invested, value of material used, value of products, unemployment, hours of labor, wages, etc.

Part III (pages 479-504). Industrial hygiene and the police power, being a reprint of 1. A paper on the legitimate exercise of the police power for the protection of health, by Henry Baird Favill; 2. The decision of the Supreme Court of Wisconsin relating to the tenement house law of 1907.

Foreign Reports.

AUSTRALIA.

New South Wales.—Report on the working of the factories and shops act, early closing acts, shearers' accommodation acts, etc., during the year 1907. Department of Labour and Industry, Sydney, 1908, 50 pages + 3 diagrams.

The report contains individual reports of inspectors, statistics of factories, age and sex of workers employed by classified industries, and horse-power of machinery used 1897-1907.

The industrial arbitration reports and records, Vol. VII, Part I. Published under the direction of the Hon. the Attorney-General, Sydney, 1908. Pages viii+65+xvi.

Western Australia.—Seventh annual report of proceedings under the industrial conciliation and arbitration act, 1902, and under trade unions act, 1902, for the year ended 31st December, 1907. Registrar of Friendly Societies, Perth, 1908, 25 pages.

BELGIUM.

Bibliographie générale des industries à domicile. Office du Travail, Ministère de l'Industrie et du Travail. Bruxelles, 1908. Pages viii+301.

The present volume, containing a general bibliography of home industries, is issued as a supplement to the seven volumes on Belgian home industries

published by the Belgian labor bureau between the years 1899 and 1905. About 3,200 titles of publications and magazine articles are given, dealing with the subject in most of the industrial countries. The volume ends with an alphabetical table of industries dealt with in the bibliography, a table of periodicals grouped by languages, and an alphabetical table of authors.

Annuaire statistique de la Belgique. Trente-huitième année, 1907. Ministère de l'Intérieur. Bruxelles, 1908, 455 pages, diagrams.

The Belgian statistical yearbook for 1907 besides general statistics contains statistics of savings institutions, mutual and accident insurance societies, industries, workpeople, wages and accidents.

FINLAND.

Industri-Statistik, Ar. 1906. Senare Delen. Fabriker och Handtverkerier. Bidrag till Finlands Officiella Statistik. Helsingfors, 1908. Pages ix+203.

Contains statistics of industries and industrial population in Finland for the year 1906.

Arbetsstatistik. B. Undersvöds-kassor. Ar 1906. Bidrag till Finlands Officiella Statistik. Helsingfors, 1908, 43 pages.

Contains statistics of industrial insurance institutions in Finland for the year 1906.

GERMANY.

Die Lage des Dresdner Wohnungsmarktes im Jahre 1907 mit Rückblicken auf die Vohrjahre und Vorbemerkungen ueber die Methode der Wohnungstatistik. Mitteilungen des Statistischen Amtes der Stadt Dresden. 17. Heft. Dresden, 1908, 54 pages.

This publication of the Dresden statistical bureau gives statistics of the cost of house rents in the city of Dresden for a number of years and according to location of houses, percentage of unoccupied apartments, and an analysis of causes that tend to influence the cost of rents and housing conditions.

Württemberg.—Statistisches Handbuch für das Königreich Württemberg. Jahrgang 1906 und 1907. Herausgegeben von dem Königlichen Statistischen Amt. Stuttgart, 1908, 286 pages + map.

Besides statistics of population, agriculture, etc., the statistical handbook of the kingdom of Württemberg contains also statistics of sickness and accident insurance (1897–1906), wholesale and retail prices, house rents, wages (1896–1906), and consumption of important articles per head of population.

GREAT BRITAIN.

Report on changes in rates of wages and hours of labour in the United Kingdom in 1907, with comparative statistics for 1898–1906. Board of Trade (Labour Department), London, 1908, 171 pages.

This is the fifteenth report issued by the English labour department on changes in the rates of wages and hours of labour in the United Kingdom. According to the report the upward movement of rates of wages that started towards the end of 1905 and continued during 1906, reached its highest point in 1907, the net rise per week being £201,000. The large increase in wages in 1907 was almost entirely due to advances in the coal mining industry, other groups showing only small net increases, excepting the textile group with an increase of £27,300 per week.

The changes in hours of labour recorded in 1907 affected 36,200 workpeople, of whom 35,400 had their working hours reduced. Of this latter number over 14,400 were employed in the building trades, and about 12,100 in the textile trades. The net effect was a reduction of about 79,000 hours per working week. In 1908, however, the trend of wages is downward. Although in January and February wages in the coal mining industry continued to advance, in most other trades wages began to fall and each succeeding month has shown a further fall. Altogether 851,000 workpeople are reported to have had their wages changed during the first six months of the year, and the net effect of all the changes during that period has been a decrease of £16,000 per week.

Report on strikes and lock-outs and on conciliation and arbitration boards in the United Kingdom in 1907. Board of Trade (Labour Department). London, 1908, 170 pages.

The following table, taken from the report, shows, for a period of five years, the number of disputes beginning in each year, the number of workpeople involved, and the aggregate duration of all disputes.

Year.	No. of disputes beginning in each year.	No. of workpeople involved in disputes beginning each year:			Aggregate duration in working days of all disputes in progress each year.
		Directly.	Indirectly.	Total.	
1903	387	93,515	23,386	116,901	2,338,668
1904	355	56,380	30,828	87,208	1,484,220
1905	358	67,653	25,850	93,503	2,470,189
1906	486	157,872	59,901	217,773	3,028,816
1907	601	100,728	46,770	147,498	2,162,151

Six hundred sixty-eight disputes were settled in 1907 by permanent conciliation and arbitration boards, 471 of the cases being settled by conciliation and 197 by arbitration.

Twelfth abstract of labour statistics of the United Kingdom, 1906-1907. Board of Trade (Labour Department). London, 1908. Pages xvii+256.

According to the introductory note the tables in this report summarize the latest available information which has been collected by the Labour Department of the Board of Trade, or which is embodied in various official publications by other departments, on the principal matters relating to the conditions of the working classes. The statistics relate to the following among other subjects: Wages and hours of labor, fluctuations in employment; strikes and lockouts; work of conciliation and arbitration boards; employers' associations, workmen's trade unions and coöperative societies; prices of raw materials and of articles of food; production and consumption; profit-sharing; diseases of occupations and industrial accidents; friendly societies, building societies and savings banks; population and vital statistics; housing; occupations of the industrial population; pauperism; labor bureaus, etc. Appearing for the first time in the report are tables concerning the work of employment exchanges under the control of the London Central (Unemployed) Body.

ITALY.

Operai ed orari negli uffici soggetti alla legge sul lavoro delle donne e dei fanciulli (anno 1907). Ufficio del Lavoro. Ministero di Agricoltura, Industria e Commercio. Roma, 1908. Pages 16+cv.

The report contains statistics concerning number and hours of labor of children, women and adults employed in establishments subjected to woman and child labor legislation.

Inchiesta sulle abitazioni degli impiegati d'ordine e subalterni in Roma e del personale ferroviario in Roma e in altre città d'Italia. Dati demografici ed economici sugli impiegati d'ordine e subalterni in Roma. Ufficio del Lavoro. Ministero di Agricoltura, Industria e Commercio. Roma, 1908, 293 pages.

This report contains the results of an investigation by the Italian labor bureau of housing conditions of government employees in Rome, with special reference to proportions of salaries, absorbed by rents, and housing conditions of railroad employees in Rome and other Italian cities. The last part of the report deals with economic and demographic statistics of employees of public administrations in Rome.

Statistica degli scioperi avvenuti in Italia nell'anno 1905. Ufficio del Lavoro. Ministero di Agricoltura, Industria e Commercio. Roma, 1908. Pages xcv+183.

The report covers statistics of labor disputes in Italy in 1905. This is the second volume on strikes issued by the Italian labor bureau, the former volume covering strikes in 1904. The total number of strikes in 1905 was 628, or 4 less than in 1904, and the total number of workers involved 110,832, or 7,524 less than the year before. Concerning the causes of strikes, 62.97 per cent were questions concerning wages, 9.51 per cent questions involving hours of labor, 7.94 per cent questions in regard to the organization of labor, and the rest for questions concerning hygiene, discharge of employees, fines, etc. As to results, 26.78 per cent of the demands of the strikers were fully granted, 7.48 per cent almost entirely granted, 8.40 per cent met with medium success, 12.56 per cent with a very small success, and 42.09 per cent with no success. In 2.49 per cent of the demands, the results are classed as doubtful.

NEW ZEALAND.

Awards, recommendations and decisions under the industrial conciliation and arbitration act, Vol. IX, Part 4. August, 1908. Department of Labour. Wellington, 1908. Pages 377-466.

Statistics of the Dominion of New Zealand for the year 1907, Part III. Trade and interchange. Registrar-General's Office. Wellington, 1908, 325 pages.

The last pages of the present volume contain average rates of wages in each provincial district of New Zealand during the year 1907 and average prices of produce, live stock, provisions, etc., during the same year.

Report of the labour bills committee on the industrial conciliation and arbitration bill; together with minutes of proceedings and evidence. Wellington, 1908. Pages viii+64.

SPAIN.

Legislación del Trabajo. Apéndice tercero. Julio 1907-Junio 1908. Instituto de reformas sociales. Madrid, 1908, 559 pages.

As in the two previous reports on Spanish labor legislation published by the Instituto de Reformas Sociales, the first part contains the text of labor laws enacted (July, 1907, to June, 1908), and the second part contains proposed legislation submitted to the Spanish parliament. The volume ends with a chronological index, a subject index and a general table of contents.

APPENDIX.

STATISTICAL TABLES.

- I. Employment and earnings of trade unionists, third quarter, 1908.
- II. Causes of idleness among trade unionists, third quarter, 1908.
- III. Number and membership of labor organizations, September 30, 1908.
- IV. Building operations in principal cities, third quarter, 1908:
 - (a) New York City.
 - (b) Buffalo, Rochester, Syracuse and Troy.
- V. Immigration at the Port of New York, third quarter, 1908.
- VI. Emigration at the Port of New York:
 - (a) Third quarter, 1908.
 - (b) Second quarter, 1908.
- VII. Accidents in factories, quarries and tunnel construction, third quarter, 1908:
 - (a) Age and sex of persons injured.
 - (b) Causes and results.
 - (c) Results by industries.
- VIII. Work of deputy factory inspectors, third quarter, 1908.
- IX. Children's employment certificates issued in first and second class cities, third quarter, 1908.
- X. Prosecutions for violation of Factory Law, third quarter, 1908.
- XI. Licenses for manufacturing in tenements, third quarter, 1908.

TABLE I.—EMPLOYMENT AND EARNINGS OF ORGANIZED WAGE WORKERS.

INDUSTRIES OR GROUPS OF TRADES.	Number of wage earners reporting.	THEREOF IDLE.		NUMBER EMPLOYED.			
		Num-ber.	Per cent.	Aggre-gate.	1-29 days.	30-59 days.	60-79 days.
1. Building, Stone Working, Etc.	118,078	27,745	23.5	88,009	7,349	33,293	46,865
Stone working.....	6,280	2,143	34.2	3,961	179	677	3,105
Building and paving trades.....	87,168	20,097	23.1	64,991	6,697	23,420	34,459
Building and street labor.....	24,650	5,505	22.3	19,057	473	9,196	9,301
2. Transportation	64,226	3,627	5.6	56,616	1,135	6,221	22,159
Railways.....	25,388	603	2.4	24,313	1,127	1,495	7,669
Navigation.....	12,479	1,260	10.1	9,981	.....	78	2,023
Teaming and cab driving.....	15,877	1,140	7.2	14,421	983	1,344	9,477
Freight handling.....	6,993	623	8.9	6,343	25	3,304	2,967
Telegraphs.....	3,489	1	+0.0	1,558	.....	.....	23
3. Clothing and Textiles	25,698	1,875	7.3	22,829	1,582	11,866	9,352
Garments.....	16,068	1,020	6.3	14,258	564	8,391	5,274
Shirts, collars and laundry.....	631	2	0.3	627	252	164	211
Hats, caps and furs.....	3,567	312	8.7	3,247	125	1,844	1,278
Boots, shoes and gloves.....	3,454	259	7.5	3,155	599	808	1,748
Textiles.....	1,978	282	14.3	1,542	42	659	841
4. Metals, Machinery and Shipbuilding	28,116	3,974	14.1	22,867	658	7,500	14,526
Iron and steel.....	23,846	3,551	14.9	19,175	468	6,539	12,064
Other metals.....	2,750	278	10.1	2,422	60	675	1,608
Shipbuilding.....	1,520	145	9.5	1,270	130	286	854
5. Printing, Binding, Etc.	23,355	1,697	7.3	21,547	116	3,346	17,106
6. Wood Working and Furniture	9,445	1,102	11.7	7,843	303	2,462	5,060
7. Food and Liquors	14,535	897	6.2	13,385	318	498	12,074
Food products.....	6,826	432	6.3	6,371	312	391	5,668
Beverages.....	7,709	465	6.0	7,014	6	107	6,406
8. Theaters and Music	12,300	1,270	10.3	6,993	668	333	5,642
9. Tobacco	8,989	708	7.9	8,250	7	2,611	5,632
10. Restaurants, Trade, Etc.	10,210	303	3.0	9,864	746	410	7,112
Hotels and restaurants.....	6,319	282	4.5	6,008	719	403	3,590
Barbering.....	2,435	15	0.6	2,413	27	6	2,080
Retail trade.....	1,456	6	0.4	1,443	.....	1	1,442
11. Public Employment	14,889	758	5.1	12,353	.....	445	1,173
12. Stationary Engine Men	11,901	255	2.1	11,572	33	718	4,643
13. Miscellaneous	7,484	1,366	18.3	6,053	1,382	937	2,596
Paper and paper goods.....	2,459	280	11.4	2,158	1,011	337	740
Leather and leather goods.....	1,095	149	13.6	941	5	204	617
Glass and glassware.....	1,130	470	41.6	659	356	.....	303
Cement and clay products.....	424	55	13.0	355	.....	257	98
Other distinct trades.....	2,160	407	18.8	1,732	10	138	635
Mixed employment.....	216	5	2.3	208	.....	1	203
Grand Total	349,226	45,577	13.1	288,181	14,297	70,640	153,940

THIRD QUARTER (JULY, AUGUST, SEPTEMBER), 1908: (a) Males.

80 days or more.	DAYS EMPLOYED.		Aggregate earnings.	AVERAGE EARNINGS.		NUMBER WHO EARNED—			
	Aggre- gate.	Per cap- ita.		Per day.	For three months.	Less than \$75.	\$75 to \$149.	\$150 to \$224.	\$225 or more.
502	5,012,897	57.0	\$18,064,019.49	\$3.60	\$205.25	1,931	18,994	32,619	34,465
.....	261,607	66.0	1,061,625.75	4.06	268.02	24	232	742	2,963
415	3,697,729	56.9	14,245,453.97	3.85	219.19	1,490	10,994	21,169	31,338
87	1,053,561	55.3	2,756,939.77	2.62	144.67	417	7,768	10,708	164
27,101	4,371,125	77.2	12,039,369.03	2.75	212.65	1,324	11,051	25,585	18,656
15,022	1,993,617	82.0	5,925,851.63	2.97	243.73	111	2,113	10,253	11,836
7,880	854,105	85.6	2,578,491.15	3.02	258.34	18	2,849	1,772	5,342
2,617	1,014,457	70.3	2,351,029.99	2.32	163.03	1,039	2,384	10,277	721
47	366,435	57.8	920,611.09	2.51	145.14	156	3,598	1,944	645
1,535	142,511	91.5	263,385.17	1.85	169.05	.....	107	1,339	112
29	1,251,845	54.8	3,268,347.60	2.61	143.17	2,202	12,074	5,832	2,721
29	770,007	54.0	2,025,710.47	2.63	142.08	1,107	8,528	2,793	1,832
.....	26,731	42.6	48,853.76	1.83	77.92	409	126	41	51
.....	200,602	61.8	547,455.94	2.73	168.60	.....	1,849	769	629
.....	163,391	51.8	420,664.25	2.57	133.33	642	743	1,645	125
.....	91,114	59.1	225,663.18	2.48	146.34	44	830	584	84
183	1,436,373	62.8	4,472,499.87	3.11	195.59	975	5,446	8,221	8,225
104	1,205,407	62.9	3,705,497.83	3.07	193.25	869	4,762	6,946	6,598
79	152,039	62.8	474,225.20	3.12	195.80	53	449	1,155	765
.....	78,927	62.1	292,776.84	3.71	230.53	53	235	120	862
979	1,419,695	65.9	4,798,554.41	3.38	222.70	318	2,630	5,111	13,488
18	485,265	61.9	1,455,217.27	3.00	185.54	252	1,832	3,569	2,190
495	1,013,176	75.7	680,972.89	2.65	200.30	147	767	8,475	3,976
.....	465,621	73.1	1,197,779.77	2.57	188.00	134	625	4,402	1,210
495	547,555	78.1	1,483,193.12	2.71	211.46	13	162	4,073	2,766
350	451,626	64.6	3,447,642.56	7.63	493.01	220	677	527	5,569
.....	558,348	67.7	1,134,597.68	2.03	137.53	74	4,827	2,989	360
1,596	736,234	74.6	1,721,265.02	2.34	174.50	804	1,275	5,777	2,008
1,296	436,277	72.6	1,052,283.22	2.41	175.15	773	600	3,089	1,546
300	188,451	78.1	385,952.52	2.05	159.95	30	525	1,846	12
.....	111,506	77.3	283,029.28	2.54	196.14	1	150	842	450
10,735	1,066,793	86.4	2,873,846.70	2.69	232.64	.....	651	4,831	6,871
6,178	945,878	81.7	2,893,000.97	3.06	250.00	115	548	2,545	8,364
1,138	366,599	60.6	831,813.94	2.27	137.42	1,159	2,447	1,651	796
70	104,211	48.3	207,159.91	1.99	96.00	965	896	204	93
115	63,132	67.1	162,262.25	2.57	172.44	10	222	571	138
.....	28,561	44.9	107,143.64	3.62	162.59	161	195	68	235
.....	16,623	46.8	61,936.20	3.73	174.47	13	153	128	61
949	138,305	79.9	265,184.63	1.92	153.11	10	845	608	269
4	14,767	71.0	28,127.31	1.90	135.23	.....	136	72	.....
49,304	19,115,854	66.3	\$59,681,147.43	\$3.12	\$207.10	9,521	63,239	107,732	107,689

TABLE I.—EMPLOYMENT AND EARNINGS OF ORGANIZED WAGE WORKERS.

INDUSTRIES OR GROUPS OF TRADES.	Number of wage earners reporting.	THEREOF IDLE.		NUMBER EMPLOYED.			
		Number.	Per cent.	Aggregate.	1-29 days.	30-59 days.	60-79 days.
2. Transportation:							
Telegraphs	58	1	1.7	25			2
3. Clothing and Textiles	5,407	196	3.6	4,997	315	2,645	2,037
Garments	3,722	178	4.8	3,430	76	1,879	1,475
Shirts, collars and laundry	383		0.0	283	227	26	30
Hats, caps and furs	800	7	0.9	793		528	265
Boots, shoes and gloves	471	11	2.3	460	12	181	267
Textiles	31		0.0	31		31	
4. Metals, Machinery and Shipbuilding:							
Iron and steel (horse nail makers) ..	21	4	19.0	17		17	
5. Printing, Binding, Etc.	1,100	53	4.8	1,040	11	905	124
6. Wood Working and Furniture	45	20	44.4	25			25
8. Theaters and Music	1,218		0.0	1,173	28	79	1,035
9. Tobacco	2,356	266	11.3	2,090	1	277	1,812
10. Restaurants, Trade, Etc.:							
Retail trade	121		0.0	121			121
11. Public Employment	87		0.0	86			
13. Miscellaneous	61		0.0	61	1		60
Paper and paper goods	1		0.0	1	1		
Other distinct trades	60		0.0	60			60
Grand Total	10,474	540	5.2	9,635	356	3,923	5,206

THIRD QUARTER (JULY, AUGUST, SEPTEMBER), 1908: (b) Females.

80 days or more.	DAYS EMPLOYED.		Aggregate earnings.	AVERAGE EARNINGS.		NUMBER WHO EARNED—			
	Aggre- gate.	Per cap- ita.		Per day.	For three months.	Less than \$75.	\$75 to \$149.	\$150 to \$224.	\$225 or more.
23	2,257	90.3	\$3,999.96	\$1.77	\$160.00	.....	5	19	1
.....	268,609	53.8	437,005.16	1.63	87.45	2,085	2,566	105	241
.....	191,574	55.9	273,966.67	1.43	79.87	1,358	2,009	63	.....
.....	8,550	30.2	9,105.57	1.06	32.18	257	26	.....	.....
.....	40,964	51.7	115,929.28	2.83	146.19	294	216	42	241
.....	26,294	57.2	35,992.16	1.37	78.24	162	298	.....	.....
.....	1,227	39.6	2,011.50	1.64	64.89	14	17	.....	.....
.....	840	49.4	730.00	0.87	42.94	17	.....	.....	.....
.....	47,313	45.5	81,460.47	1.72	78.32	709	235	45	51
.....	1,825	73.0	2,785.00	1.53	111.40	.....	25	.....	.....
41	75,427	64.3	754,354.93	10.00	643.10	28	9	29	1,107
.....	153,102	73.2	287,305.68	1.88	137.47	57	1,009	859	165
.....	9,559	79.0	11,771.06	1.23	97.28	31	72	18	.....
86	7,912	92.0	14,086.00	1.78	163.79	.....	47	25	14
.....	3,984	65.3	4,310.00	1.08	70.66	61	.....	.....	.....
.....	24	24.0	20.00	0.83	20.00	1	.....	.....	.....
.....	3,960	66.0	4,290.00	1.08	71.50	60	.....	.....	.....
150	570,828	59.2	\$1,597,808.26	\$2.80	\$165.83	2,988	3,968	1,100	1,579

TABLE II.—CAUSES OF IDLENESS AMONG ORGANIZED

INDUSTRIES OR GROUPS OF TRADES.	Number not reporting.	Number reporting.	Total number idle.
1. Building, Stone Working, Etc.	2,770	117,240	39,256
Stone working.	144	6,672	2,604
Building and paving trades.	2,315	85,918	29,506
Building and street labor.	311	24,650	7,146
2. Transportation.	3,559	64,441	9,530
Railways.	1,527	25,387	1,415
Navigation.	1,074	12,499	3,079
Teaming and cab driving.	733	16,012	4,049
Freight handling.	88	6,996	975
Telegraphs.	187	3,547	12
3. Clothing and Textiles.	1,167	30,242	9,181
Garments.	756	19,070	6,978
Shirts, collars and laundry.	19	1,014	100
Hats, caps and furs.	193	4,224	1,064
Boots, shoes and gloves.	11	3,925	428
Textiles.	88	2,009	611
4. Metals, Machinery and Shipbuilding.	780	28,050	6,833
Iron and steel.	536	23,865	6,127
Other metals.	31	2,750	397
Shipbuilding.	213	1,435	309
5. Printing, Binding, Etc.	619	24,562	3,124
6. Wood Working and Furniture.	44	10,150	2,146
7. Food and Liquors.	220	14,533	1,588
Food products.	202	6,824	851
Beverages.	18	7,709	737
8. Theaters and Music.	3,535	13,420	1,543
9. Tobacco.	179	11,344	1,609
10. Restaurants, Trade, Etc.	284	10,352	1,108
Hotels and restaurants.	28	6,342	989
Barbering.	205	2,433	100
Retail trade.	51	1,577	19
11. Public Employment.	121	14,976	923
12. Stationary Engine Men.	83	11,901	882
13. Miscellaneous.	342	7,545	2,853
Paper and paper goods.	315	2,460	1,415
Leather and leather goods.	2	1,095	403
Glass and glassware.	1	1,130	470
Cement and clay products.	16	424	104
Other distinct trades. ....	.....	2,220	447
Mixed employment.	8	216	14
Grand Total.	13,703	358,756	80,576

WAGE WORKERS AT THE END OF SEPTEMBER, 1908.

Per cent idle.	NUMBER IDLE ON ACCOUNT OF—						Reason not stated.
	Lack of work.	Lack of stock.	The weather.	Labor disputes.	Disability.	Other reasons.	
33.5	36,276	601	41	454	1,028	236	620
39.0	2,403	85	.....	10	105	.....	1
34.3	28,029	294	41	244	823	56	19
29.0	5,844	222	.....	200	100	180	600
14.8	8,867	.....	.....	43	522	69	29
5.6	998	.....	.....	.....	346	67	4
24.6	3,025	.....	.....	.....	54	.....	.....
25.3	3,928	.....	.....	13	83	.....	25
13.9	910	.....	.....	30	35	.....	.....
0.3	6	.....	.....	.....	4	2	.....
30.4	7,411	1,380	106	125	130	29	.....
36.6	5,493	1,375	.....	25	67	18	.....
9.9	98	.....	.....	.....	2	.....	.....
25.2	884	.....	106	30	43	1	.....
10.9	354	.....	.....	60	14	.....	.....
30.4	582	5	.....	10	4	10	.....
24.4	6,122	50	.....	228	411	14	8
25.7	5,514	38	.....	228	331	8	8
14.4	387	2	.....	.....	8	.....	.....
21.5	221	10	.....	.....	72	6	.....
12.7	2,561	.....	.....	279	281	1	2
21.1	1,991	.....	.....	41	114	.....	.....
10.9	1,118	.....	301	15	133	17	4
12.5	784	.....	.....	15	39	9	4
9.6	334	.....	301	.....	94	8	.....
11.5	1,516	.....	.....	6	21	.....	.....
14.2	1,344	10	.....	.....	250	5	.....
10.7	981	.....	50	.....	73	4	.....
15.6	896	.....	50	.....	42	1	.....
4.1	76	.....	.....	.....	23	1	.....
1.2	9	.....	.....	.....	8	2	.....
6.2	863	.....	.....	.....	56	4	.....
7.4	739	2	2	121	17	1	.....
37.8	1,743	.....	.....	976	46	86	2
57.5	362	.....	.....	976	6	71	.....
36.8	375	.....	.....	.....	28	.....	.....
41.6	466	.....	.....	.....	4	.....	.....
24.5	99	.....	.....	.....	3	.....	2
20.1	431	.....	.....	.....	1	15	.....
6.5	10	.....	.....	.....	4	.....	.....
22.5	71,532	2,043	500	2,288	3,082	466	665

TABLE III.—NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS

INDUSTRIES OR GROUPS OF TRADES.	NEW YORK STATE.				NEW YORK	
	Org.	Men.	Women.	Total number of mem- bers.	Org.	Mem- bers.
1. Building, Stone Working, Etc.	734	120,010		120,010	217	84,175
Stone working.....	43	6,816		6,816	13	5,491
Building and paving trades.....	628	88,233		88,233	170	55,790
Building and street labor.....	63	24,961		24,961	34	22,894
2. Transportation	381	67,940	60	68,000	76	30,244
Railways.....	237	26,914		26,914	25	4,477
Navigation.....	26	13,573		13,573	5	7,236
Teaming and cab driving.....	61	16,745		16,745	27	13,642
Freight handling.....	40	7,084		7,084	16	4,380
Telegraphs.....	17	3,624	60	3,684	3	492
3. Clothing and Textiles	170	25,955	5,454	31,409	79	23,082
Garments.....	85	16,082	3,744	19,826	42	15,681
Shirts, collars and laundry.....	12	650	383	1,033	5	745
Hats, caps and furs.....	23	3,592	825	4,417	18	3,938
Boots, shoes and gloves.....	17	3,465	471	3,936	9	2,084
Textiles.....	33	2,166	31	2,197	5	684
4. Metals, Machinery and Shipbuilding	273	28,809	21	28,830	75	13,889
Iron and steel.....	229	24,380	21	24,401	49	10,126
Other metals.....	35	2,781		2,781	18	2,128
Shipbuilding.....	9	1,648		1,648	8	1,635
5. Printing, Binding, Etc.	114	24,082	1,099	25,181	37	21,270
6. Wood Working and Furniture	85	10,149	45	10,194	42	7,994
7. Food and Liquors	115	14,753		14,753	33	9,858
Food products.....	59	7,028		7,028	23	5,067
Beverages.....	56	7,727		7,727	10	4,791
8. Theaters and Music	67	15,584	1,371	16,955	13	12,286
9. Tobacco	66	9,146	2,377	11,523	13	7,480
10. Restaurants, Trade, Etc.	134	10,515	121	10,636	22	4,529
Hotels and restaurants.....	54	6,370		6,370	12	3,480
Barbering.....	52	2,638		2,638	3	315
Retail trade.....	28	1,507	121	1,628	7	734
11. Public Employment	148	15,010	87	15,097	47	12,770
12. Stationary Engine Men	69	11,984		11,984	28	8,422
13. Miscellaneous	88	7,824	63	7,887	22	3,539
Paper and paper goods.....	34	2,772	3	2,775		
Leather and leather goods.....	7	1,097		1,097	5	665
Glass and glassware.....	17	1,131		1,131	5	597
Cement and clay products.....	6	440		440	2	262
Other distinct trades.....	20	2,160	60	2,220	10	1,815
Mixed employment.....	4	224		224		
Grand Total	2,444	361,761	10,698	372,459	704	239,538

IN THE STATE AND IN PRINCIPAL CITIES, SEPTEMBER 30, 1908.

CITY.	BUFFALO.		ROCHESTER.		SYRACUSE.		ALBANY.		SCHENEC- TADY.		TROY.	
Thereof women.	Org.	Mem- bers.	Org.	Mem- bers.	Org.	Mem- bers.	Org.	Mem- bers.	Org.	Mem- bers.	Org.	Mem- bers.
.....	42	5,249	21	3,593	19	2,475	16	1,558	9	1,205	9	941
.....	4	248	1	113	1	55	2	95	.....	.....	.....	.....
.....	38	5,001	17	3,000	15	2,310	13	1,338	8	1,005	8	931
.....	.....	.....	3	480	3	110	1	125	1	200	1	10
16	51	11,792	15	2,287	12	1,087	21	2,899	4	247	10	1,396
.....	30	4,377	10	1,888	11	1,037	11	1,620	4	247	5	735
.....	6	5,408	.....	.....	.....	.....	2	156	.....	.....	.....	.....
.....	6	465	4	332	.....	.....	4	615	.....	.....	3	579
.....	8	1,432	.....	.....	1	50	2	320	.....	.....	2	82
16	1	110	1	67	.....	.....	2	188	.....	.....	.....	.....
2,701	9	1,357	4	1,545	12	1,182	4	139	1	40	2	89
1,589	7	1,198	2	95	10	1,096	2	89	1	40	1	75
220	.....	.....	.....	.....	.....	.....	1	43	.....	.....	1	14
700	.....	.....	.....	.....	.....	.....	1	7	.....	.....	.....	.....
190	2	159	2	1,450	2	88	.....	.....	.....	.....	.....	.....
2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	19	2,774	9	1,691	8	810	10	652	17	2,753	11	1,065
.....	17	2,580	8	1,591	7	750	8	621	16	2,713	9	1,005
.....	2	194	1	100	1	60	2	31	1	40	2	60
.....
994	12	899	5	323	5	332	6	753	1	62	1	136
40	7	355	5	543	6	172	4	157	1	16	1	44
.....	9	1,363	5	537	6	453	7	456	2	89	5	366
.....	3	333	3	183	2	236	2	141	2	89	2	150
.....	6	1,030	2	354	4	217	5	315	.....	.....	3	216
1,148	3	524	2	652	2	275	3	273	2	149	2	250
2,150	1	471	2	307	3	497	3	260	1	65	1	343
15	6	1,093	3	521	5	616	4	503	2	188	3	292
.....	2	472	2	358	2	302	1	225	1	98	1	154
.....	1	514	1	163	1	171	1	156	1	90	1	90
15	3	107	.....	.....	2	143	2	122	.....	.....	1	48
11	5	790	2	201	2	136	4	195	2	82	2	82
.....	6	1,746	2	590	2	206	3	154	.....	.....	1	34
60	6	400	2	64	.....	.....	.....	.....	.....	.....	1	104
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	104
.....	1	73	2	64	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	102	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
60	3	122	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1	103	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
7,135	176	28,813	77	12,854	82	8,241	85	7,999	42	4,896	49	5,142

TABLE IV.—STATISTICS OF BUILDING OPERATIONS IN THE PRINCIPAL CITIES.

(a) Buildings Authorized in New York City in July, August and September, 1907 and 1908.

BOROUGH.	NUMBER OF BUILDINGS AUTHORIZED.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS—			
	1907.	1908.	1907.	1908.	COMMENCED.		COMPLETED.	
					1907:	1908.	1907.	1908.
NEW BUILDINGS:								
Bronx.....	472	520	\$4,551,819	\$5,050,100	398	402	515	401
Brooklyn.....	1,762	1,880	13,888,614	12,167,903	1,429	1,815	1,571	1,387
Manhattan.....	208	188	16,693,800	20,707,650	231	170	171	151
Queens.....	943	1,007	3,305,459	3,802,177	533	648	808	709
Richmond.....	281	226	853,043	864,358	230	142	200	208
Total.....	3,666	3,821	\$39,292,735	\$42,592,188	2,821	3,177	3,265	2,856
ALTERATIONS:								
Bronx.....	246	155	\$269,415	\$226,815	204	146	161	192
Brooklyn.....	2,186	1,000	1,673,260	2,527,320	1,707	1,822	1,815	1,966
Manhattan.....	915	658	3,848,875	2,456,123	766	672	880	716
Queens.....	498	295	312,015	191,881	331	187	400	230
Richmond.....	141	128	60,840	66,859	115	121	126	140
Total.....	3,986	2,236	\$6,164,405	\$5,468,998	3,123	2,948	3,382	3,244
TOTAL OF NEW BUILDINGS AND ALTERATIONS:								
Bronx.....	718	675	\$4,821,234	\$5,276,915	602	548	676	593
Brooklyn.....	3,948	2,880	15,561,874	14,695,223	3,136	3,637	3,386	3,353
Manhattan.....	1,123	846	20,542,675	23,163,773	997	842	1,051	867
Queens.....	1,441	1,302	3,617,474	3,994,058	864	835	1,208	939
Richmond.....	422	354	913,883	931,217	345	263	326	348
Total.....	7,652	6,057	\$45,457,140	\$48,061,186	5,944	6,125	6,647	6,100

Number and Estimated Cost of New and Remodeled Tenement Houses Included in the Foregoing Table.

BOROUGH.	NUMBER OF BUILDINGS.		ESTIMATED COST.	
	1907.	1908.	1907.	1908.
NEW TENEMENTS:				
Bronx.....	63	117	\$1,094,700	\$2,945,500
Brooklyn.....	416	206	5,918,300	2,492,000
Manhattan.....	68	56	7,163,000	5,961,000
Queens.....	95	54	664,800	481,000
Richmond.....	1	1	5,500	35,000
Total.....	643	434	\$14,846,300	\$11,914,500
REMODELED TENEMENTS:				
Bronx.....	43	23	\$34,325	\$15,385
Brooklyn.....	156	138	71,617	106,165
Manhattan.....	521	303	950,825	477,243
Queens.....	36	29	15,050	9,965
Richmond.....	3	2	5,155	3,300
Total.....	759	495	\$1,076,972	\$612,058
TOTAL OF NEW AND REMODELED TENEMENTS:				
Bronx.....	106	140	\$1,129,025	\$2,960,885
Brooklyn.....	572	344	5,989,917	2,598,165
Manhattan.....	589	359	8,113,825	6,438,243
Queens.....	131	83	679,850	490,965
Richmond.....	4	3	10,655	38,300
Total.....	1,402	929	\$15,923,272	\$12,526,558

TABLE IV.—STATISTICS OF BUILDING OPERATIONS—Continued.

(b) Buffalo, Rochester, Syracuse and Troy.

CITY AND PERIOD.	NEW BUILDINGS.		ADDITIONS AND REPAIRS.		ALL BUILDINGS.	
	No.	Cost.	No.	Cost.	No.	Cost.
BUFFALO.						
July.....	185	\$650,035	92	\$80,965	277	\$731,000
August.....	215	597,120	101	126,880	316	724,000
September.....	125	h588,210	60	55,790	185	h644,000
July-September, 1908..	525	\$1,835,365	253	\$263,635	778	\$2,099,000
1907..	512	f1,886,010	269	419,990	781	f2,306,000
1906..	451	c1,794,185	233	306,360	684	c2,100,545
1905..	473	a1,907,359	279	416,720	752	a2,324,079
1904..	453	1,495,677	258	205,815	711	1,701,492
1903..	428	1,428,274	101	124,458	529	1,552,732
1902..	414	1,806,871	227	189,739	641	1,996,610
1901..	104	696,250	67	68,189	171	764,439
1900..	129	292,886	113	192,955	242	485,841
ROCHESTER.						
July.....	130	\$338,075	30	\$25,770	160	\$363,845
August.....	163	600,888	36	22,493	199	623,381
September.....	162	494,782	35	28,466	197	523,248
July-September, 1908..	455	\$1,433,745	101	\$76,729	556	\$1,510,474
1907..	442	g2,185,255	122	148,325	564	g2,333,580
1906..	365	1,244,745	121	175,069	486	1,419,814
1905..	362	1,090,175	86	101,575	448	1,191,750
1904..	249	807,707	47	34,856	296	842,563
1903..	105	403,688	45	32,905	150	436,593
1902..	151	561,641	50	71,275	201	632,916
1901..	119	725,381	47	53,000	166	778,381
1900..	132	511,543	60	63,955	192	575,498
SYRACUSE.						
July.....	79	\$242,575	60	\$162,290	139	\$404,865
August.....	52	192,685	43	24,225	95	216,910
September.....	74	1394,100	38	24,205	112	1418,305
July-September, 1908..	205	\$829,360	141	\$210,720	346	\$1,040,080
1907..	183	596,432	167	164,645	350	761,077
1906..	154	d954,814	113	90,770	267	d1,045,584
1905..	101	b792,727	92	62,160	193	b854,887
1904..	101	281,054	114	104,190	215	385,244
1903..	70	382,475	78	68,180	148	450,655
1902..	67	312,450	67	48,680	134	361,130
1901..	91	371,590	101	48,283	192	419,873
1900..	71	215,290	118	60,510	189	275,800
TROY.						
July-September, 1908..	35	j\$556,100	56	\$52,250	91	j\$608,350
1907..	11	61,150	61	55,050	72	116,200
1906..	19	e225,300	52	21,465	71	e246,765

a Including three large buildings to cost \$591,000.

b Including a library building to cost \$150,000.

c Including two fireproof factory buildings to cost \$375,000.

d Including a chemical laboratory to cost \$150,000 and a central telephone station to cost \$119,000.

e Including an apartment house to cost \$130,000.

f Including wing to hospital to cost \$121,000.

g Including fireproof hotel to cost \$500,000 and a fireproof addition to a dry goods store to cost \$120,000.

h Including a railroad sheep shed to cost \$150,000.

i Including a fireproof asylum to cost \$130,000.

j Including three fireproof seminary buildings to cost \$450,000.

TABLE V.—IMMIGRATION AT THE PORT OF NEW
[Compiled by the Bureau of Immigration and

	RACE OR PEOPLE.	Sex.		Total admitted.	Under 14 years.
		Male.	Female		
1	African (black).....	219	393	612	78
2	Armenian.....	219	184	403	70
3	Bohemian and Moravian.....	352	491	843	227
4	Bulgarian, Servian, Montenegrin.....	127	49	176	24
5	Chinese.....	12	1	13	.....
6	Croatian and Slovenian.....	617	600	1,217	195
7	Cuban.....	444	257	701	88
8	Dalmatian, Bosnian, Herzegovinian.....	132	68	200	14
9	Dutch and Flemish.....	632	528	1,160	320
10	East Indian.....	28	2	30	2
11	English.....	2,449	2,149	4,598	581
12	Finnish.....	144	281	425	61
13	French.....	722	765	1,487	168
14	German.....	4,277	4,369	8,646	1,383
15	Greek.....	1,028	248	1,276	110
16	Hebrew.....	6,225	7,341	13,566	4,485
17	Irish.....	1,493	2,363	3,856	282
18	Italian (North).....	1,195	966	2,161	309
19	Italian (South).....	3,465	2,980	6,445	1,435
20	Japanese.....	18	3	21	1
21	Korean.....	1	.....	1	.....
22	Lithuanian.....	663	727	1,390	196
23	Magyar.....	816	858	1,674	385
24	Mexican.....	67	24	91	7
25	Pacific Islander.....	.....	.....	.....	.....
26	Polish.....	1,964	2,573	4,537	1,044
27	Portuguese.....	252	198	450	68
28	Roumanian.....	146	70	216	31
29	Russian.....	412	169	581	60
30	Ruthenian (Russniak).....	349	405	754	101
31	Scandinavian.....	1,493	2,039	3,532	406
32	Scotch.....	756	744	1,500	230
33	Slovak.....	567	620	1,187	272
34	Spanish.....	371	139	510	63
35	Spanish-American.....	132	74	206	31
36	Syrian.....	326	209	535	91
37	Turkish.....	47	13	60	11
38	Welsh.....	147	113	260	40
39	West Indian (except Cuban).....	122	115	237	35
40	Other peoples.....	77	16	93	3
41	Total.....	32,506	33,144	65,650	12,907

* The number of immigrants destined to

Alabama.....	96	Indian Territory.....	66
Alaska.....	6	Indiana.....	530
Arizona.....	73	Iowa.....	819
Arkansas.....	43	Kansas.....	432
California.....	1,806	Kentucky.....	93
Colorado.....	411	Louisiana.....	140
Connecticut.....	1,587	Maine.....	126
Delaware.....	65	Maryland.....	249
District of Columbia.....	211	Massachusetts.....	3,178
Florida.....	70	Michigan.....	1,242
Georgia.....	86	Minnesota.....	1,024
Hawaii.....	6	Mississippi.....	21
Idaho.....	70	Missouri.....	919
Illinois.....	5,386	Montana.....	236

YORK,* QUARTER ENDED SEPTEMBER 30, 1908.

Naturalization, Department of Commerce and Labor.]

AGE.		Illiteracy, 14 years and over.		Have been in the United States before.	Total de- barred.	Total Admitted, Third Quarter, 1907.			
14 to 44.	45 and over.	Can read but cannot write.	Can neither read nor write.			Males.	Females.	Total.	
511	23	.....	4	62	1	333	385	718	1
301	32	..... 1	68	11	8	582	351	933	2
564	52	..... 1	7	34	1	1,604	1,202	2,806	3
147	5	..... 1	59	41	.....	2,872	230	3,102	4
13	.....	..... 1	.....	1	..... 1	.....	.....	.....	5
987	35	..... 2	233	170	4	5,654	2,010	7,664	6
516	97	.....	.....	328	2	1,873	290	1,163	7
181	5	.....	60	14	4	1,426	151	1,577	8
739	101	.....	13	96	5	1,693	1,089	2,782	9
26	2	.....	.....	.....	.....	33	2	35	10
3,398	621	..... 4	.....	1,240	21	5,077	3,691	8,768	11
352	12	..... 1	.....	50	4	717	603	1,320	12
1,188	131	..... 2	20	411	23	1,379	1,131	2,510	13
6,600	663	..... 6	208	921	75	11,604	8,530	20,134	14
1,112	54	.....	221	132	24	10,234	702	10,936	15
8,069	1,012	..... 11	2,853	236	85	18,730	16,638	35,418	16
3,391	183	..... 1	10	378	26	3,976	3,827	7,803	17
1,777	75	.....	117	338	13	5,355	2,274	7,629	18
4,674	336	..... 1	2,346	874	58	30,878	13,649	44,527	19
20	.....	.....	.....	8	2	16	1	17	20
1	.....	.....	.....	.....	.....	.....	.....	.....	21
1,014	180	..... 23	720	63	10	2,622	1,733	4,355	22
1,218	71	.....	114	220	7	5,062	3,044	8,106	23
73	11	.....	.....	27	.....	102	26	128	24
3,354	139	..... 59	1,328	252	32	15,756	8,595	24,351	25
352	30	.....	196	55	3	632	356	988	26
173	12	.....	78	18	4	2,755	395	3,150	27
507	14	..... 2	177	28	11	2,413	447	2,860	28
631	22	..... 2	340	82	16	3,040	1,257	4,297	30
2,913	213	..... 2	3	426	8	3,744	3,373	7,117	31
1,117	153	..... 2	2	276	5	1,585	1,369	2,954	32
878	37	..... 2	212	178	5	2,962	1,859	4,821	33
397	50	.....	31	109	1	873	256	1,129	34
156	19	.....	.....	68	.....	239	87	326	35
415	29	.....	222	56	28	980	481	1,461	36
47	2	.....	16	5	2	461	7	468	37
186	34	.....	4	34	3	409	209	618	38
168	34	.....	1	84	3	121	132	253	39
88	2	.....	36	25	.....	462	38	500	40
48,252	4,491	121	9,707	7,349	495	147,308	80,420	227,728	41

each state or territory is shown below:

Nebraska	417	Rhode Island	505
Nevada	61	South Carolina	37
New Hampshire	132	South Dakota	301
New Jersey	3,803	Tennessee	88
New Mexico	30	Texas	252
New York	27,309	Utah	32
North Carolina	35	Vermont	117
North Dakota	416	Virginia	183
Ohio	2,187	Washington	473
Oklahoma	101	West Virginia	315
Oregon	230	Wisconsin	1,004
Pennsylvania	8,481	Wyoming	75
Philippine Islands	.....	Total	65,650
Porto Rico	15		

TABLE VI.—EMIGRATION FROM THE PORT OF NEW
[Compiled by the Bureau of Immigration and

	RACE OR PEOPLE.	SEX.		Total departed.	Under 14 years.
		Male.	Female.		
1	African (black).....	23	16	39	4
2	Armenian.....	185	16	201	7
3	Bohemian and Moravian.....	85	44	129	8
4	Bulgarian, Servian, Montenegrin.....	684	24	708	20
5	Chinese.....	3	.....	3	.....
6	Croatian and Slovenian.....	2,881	504	3,385	127
7	Cuban.....	52	16	68	8
8	Dalmatian, Bosnian, Herzegovinian.....	240	15	255	8
9	Dutch and Flemish.....	139	60	199	17
10	East Indian.....	1	.....	1	.....
11	English.....	344	260	604	43
12	Finnish.....	166	57	223	9
13	French.....	410	300	710	28
14	German.....	1,972	1,090	3,062	177
15	Greek.....	1,865	49	1,914	16
16	Hebrew.....	1,617	733	2,350	202
17	Irish.....	172	191	363	13
18	Italian (North).....	4,654	776	5,430	215
19	Italian (South).....	23,872	4,474	28,346	1,818
20	Japanese.....	4	.....	4	.....
21	Korean.....	1	.....	1	.....
22	Lithuanian.....	556	146	702	42
23	Magyar.....	2,566	991	3,557	205
24	Mexican.....	15	7	22	3
25	Pacific Islander.....	.....	.....	.....	.....
26	Polish.....	6,143	1,974	8,117	469
27	Portuguese.....	60	6	66	1
28	Romanian.....	308	41	349	2
29	Russian.....	1,301	355	1,656	92
30	Ruthenian (Rusniak).....	391	72	463	12
31	Scandinavian.....	499	369	868	51
32	Scotch.....	110	55	165	5
33	Slovak.....	2,403	777	3,180	111
34	Spanish.....	247	20	267	2
35	Spanish-American.....	34	3	37	1
36	Syrian.....	369	101	470	14
37	Turkish.....	191	9	200	3
38	Welsh.....	13	17	30	.....
39	West Indian (except Cuban).....	36	20	56	3
40	Other peoples.....	161	8	169	5
41	Total.....	54,773	13,596	68,369	3,741

* The residence of emigrant aliens departing

Alabama.....	67	Indian Territory.....	.....
Alaska.....	5	Indiana.....	330
Arizona.....	53	Iowa.....	93
Arkansas.....	12	Kansas.....	78
California.....	1,585	Kentucky.....	50
Colorado.....	362	Louisiana.....	99
Connecticut.....	1,601	Maine.....	87
Delaware.....	96	Maryland.....	289
District of Columbia.....	79	Massachusetts.....	2,444
Florida.....	112	Michigan.....	842
Georgia.....	26	Minnesota.....	368
Hawaii.....	1	Mississippi.....	40
Idaho.....	37	Missouri.....	757
Illinois.....	5,169	Montana.....	127

YORK*: (a) QUARTER ENDED SEPTEMBER 30, 1908.

Naturalization, Department of Commerce and Labor.]

AGE.		CONTINUOUS RESIDENCE IN THE UNITED STATES.					
14 to 44.	45 and over.	Not over 5 years.	5 to 10 years.	10 to 15 years.	15 to 20 years.	Over 20 years.	
32	3	30	5	4	.....	.....	1
156	38	102	79	10	10	.....	2
109	12	117	8	.....	4	.....	3
637	51	657	46	1	3	1	4
3	.....	2	.....	.....	.....	1	5
3,062	196	2,958	379	17	19	12	6
51	9	60	3	5	.....	.....	7
230	17	224	26	3	.....	2	8
159	23	168	27	2	1	1	9
1	.....	1	.....	.....	.....	.....	10
453	108	485	83	9	15	12	11
188	26	156	51	6	4	6	12
566	116	459	148	24	43	36	13
2,534	351	2,453	423	62	61	63	14
1,767	131	1,649	240	17	3	5	15
1,906	242	2,110	217	8	11	4	16
300	50	224	94	15	13	17	17
4,802	413	4,781	489	64	55	41	18
23,895	2,633	23,642	4,070	367	190	77	19
4	.....	4	.....	.....	.....	.....	20
1	.....	1	.....	.....	.....	.....	21
617	43	596	90	11	4	1	22
3,069	283	3,181	338	29	8	1	23
19	.....	18	1	2	1	.....	24
.....	.....	.....	.....	.....	.....	.....	25
7,102	546	7,076	918	76	36	11	26
53	12	53	11	.....	.....	2	27
323	24	327	22	.....	.....	.....	28
1,440	124	1,435	190	18	8	5	29
419	32	409	48	4	2	.....	30
711	106	698	102	31	25	12	31
142	18	141	20	2	.....	2	32
2,809	260	2,622	470	42	29	17	33
244	21	233	26	5	3	.....	34
30	6	32	5	.....	.....	.....	35
407	49	338	110	19	1	2	36
183	14	178	19	2	1	.....	37
26	4	25	5	.....	.....	.....	38
49	4	47	8	1	.....	.....	39
157	7	164	5	.....	.....	.....	40
58,656	5,972	57,856	8,776	856	550	331	41

from the Port of New York was as follows:

Nebraska.....	85	Rhode Island.....	404
Nevada.....	40	South Carolina.....	11
New Hampshire.....	88	South Dakota.....	28
New Jersey.....	3,682	Tennessee.....	47
New Mexico.....	19	Texas.....	67
New York.....	31,436	Utah.....	121
North Carolina.....	17	Vermont.....	94
North Dakota.....	31	Virginia.....	206
Ohio.....	2,657	Washington.....	452
Oklahoma.....	10	West Virginia.....	656
Oregon.....	134	Wisconsin.....	609
Pennsylvania.....	12,623	Wyoming.....	42
Philippine Islands.....	.....	Total.....	68,369
Porto Rico.....	1		

TABLE VI.—EMIGRATION FROM THE PORT OF NEW
[Compiled by Bureau of Immigration and Natural]

	RACE OR PEOPLE.	SEX.		Total departed.	Under 14 years.
		Male.	Female.		
1	African (black).....	26	22	48	1
2	Armenian.....	29	1	30	
3	Bohemian and Moravian.....	154	92	246	21
4	Bulgarian, Servian, Montenegrin.....	1,303	47	1,350	10
5	Chinese.....	1		1	
6	Croatian and Slovenian.....	5,795	618	6,413	156
7	Cuban.....	56	13	69	3
8	Dalmatian, Bosnian, Herzegovinian.....	164	15	179	10
9	Dutch and Flemish.....	200	69	269	14
10	East Indian.....	1		1	
11	English.....	598	374	972	60
12	Finnish.....	389	144	533	12
13	French.....	607	445	1,052	49
14	German.....	2,958	1,501	4,459	238
15	Greek.....	2,037	77	2,114	38
16	Hebrew.....	1,922	791	2,713	250
17	Irish.....	239	260	499	15
18	Italian (North).....	4,452	869	5,321	275
19	Italian (South).....	28,824	6,010	34,834	2,699
20	Japanese.....	12		12	
21	Korean.....	1	1	2	1
22	Lithuanian.....	911	229	1,140	58
23	Magyar.....	4,897	1,343	6,240	250
24	Mexican.....	9	4	13	1
25	Pacific Islander.....				
26	Polish.....	10,465	2,932	13,397	719
27	Portuguese.....	43	21	64	1
28	Roumanian.....	800	74	874	8
29	Russian.....	1,764	412	2,176	106
30	Ruthenian (Russiak).....	687	169	856	16
31	Scandinavian.....	825	557	1,382	52
32	Scotch.....	172	84	256	19
33	Slovak.....	4,224	1,259	5,483	236
34	Spanish.....	275	67	342	27
35	Spanish-American.....	51	14	65	
36	Syrian.....	328	75	403	15
37	Turkish.....	296	9	305	3
38	Welsh.....	35	26	61	6
39	West Indian (except Cuban).....	29	12	41	1
40	Other peoples.....	205	2	207	1
41	Grand total.....	75,784	18,638	94,422	5,371

* The residence of emigrant aliens departing

Alabama.....	120	Indian Territory.....	1
Alaska.....	1	Indiana.....	844
Arizona.....	39	Iowa.....	119
Arkansas.....	23	Kansas.....	189
California.....	1,604	Kentucky.....	40
Colorado.....	552	Louisiana.....	140
Connecticut.....	2,159	Maine.....	57
Delaware.....	124	Maryland.....	260
District of Columbia.....	97	Massachusetts.....	2,911
Florida.....	175	Michigan.....	1,360
Georgia.....	40	Minnesota.....	576
Hawaii.....		Mississippi.....	55
Idaho.....	76	Missouri.....	1,372
Illinois.....	7,102	Montana.....	112

YORK*: (b) QUARTER ENDED JUNE 30, 1908.
ization, Department of Commerce and Labor.]

AGE.		CONTINUOUS RESIDENCE IN THE UNITED STATES.					
14 to 44.	45 and over.	Not over 5 years.	5 to 10 years.	10 to 15 years.	15 to 20 years.	Over 20 years.	
40	7	43	4	1	.....	.....	1
29	1	26	3	1	.....	.....	2
205	20	193	41	4	.....	1	3
1,273	67	1,256	90	2	7	2	4
1	.....	1	.....	.....	.....	.....	5
5,878	379	5,556	779	43	25	10	6
62	4	63	3	2	.....	.....	7
160	9	158	16	.....	3	2	8
217	38	196	53	11	4	5	9
1	.....	1	.....	.....	.....	.....	10
758	154	789	126	26	16	15	11
487	34	373	136	11	11	2	12
848	155	717	183	43	62	47	13
3,786	435	3,615	576	94	100	74	14
1,947	129	1,894	199	17	3	1	15
2,201	262	2,389	199	27	14	7	16
411	73	325	119	22	18	15	17
4,594	452	4,401	757	81	48	34	18
28,932	3,203	29,683	4,553	311	188	99	19
12	.....	12	.....	.....	.....	.....	20
1	.....	1	.....	.....	.....	.....	21
1,012	70	948	148	31	12	1	22
5,546	444	5,455	687	55	32	11	23
12	.....	10	3	.....	.....	.....	24
.....	.....	.....	.....	.....	.....	.....	25
11,915	763	11,816	1,363	137	63	18	26
53	10	44	12	2	1	5	27
817	49	818	53	2	1	.....	28
1,917	153	1,859	260	31	19	7	29
802	38	752	94	8	2	.....	30
1,156	174	1,003	259	55	37	28	31
210	27	217	26	9	2	2	32
4,877	370	4,694	665	83	29	12	33
294	21	285	38	8	4	7	34
60	5	60	3	.....	.....	2	35
361	27	273	112	17	1	.....	36
287	15	275	23	6	.....	.....	37
41	14	46	6	.....	7	2	38
35	5	35	5	1	.....	.....	39
201	5	202	5	.....	.....	.....	40
81,439	7,612	80,484	11,677	1,141	711	409	41

from the Port of New York was as follows:

Nebraska.....	90	Rhode Island.....	530
Nevada.....	23	South Carolina.....	10
New Hampshire.....	95	South Dakota.....	19
New Jersey.....	5,564	Tennessee.....	63
New Mexico.....	23	Texas.....	67
New York.....	37,330	Utah.....	161
North Carolina.....	25	Vermont.....	82
North Dakota.....	21	Virginia.....	257
Ohio.....	5,100	Washington.....	400
Oklahoma.....	33	West Virginia.....	833
Oregon.....	88	Wisconsin.....	999
Pennsylvania.....	22,415	Wyoming.....	46
Philippine Islands.....	.....	Total.....	94,422
Porto Rico.....	.....	

TABLE VII.—ACCIDENTS IN FACTORIES, QUARRIES AND TUNNEL CONSTRUCTION, JULY-SEPTEMBER, 1908.

(a) Age and Sex of Persons Injured.

CAUSE. [n. e. s.= not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +	Age not stated.	Total.	Male.	Female.
MECHANICAL POWER.							
Transmission of power:							
Motors (engines, dynamos, fly wheels, etc.).....			28		28	28	
Air fans, steam pumps, etc.			12		12	11	1
Gearing.....		4	44		48	45	3
Set screws.....			3		3	3	
Shafting.....	a 1		13		14	12	2
Belts and pulleys.....		5	55		60	56	4
Conveying and hoisting machinery:							
Elevators and lifts.....	c 4	5	47	1	57	53	4
Cranes (steam, electric, portable, etc.)			16		16	16	
Hoisting and conveying apparatus, n. e. s.....		5	172	3	180	179	1
Locomotives and trains.....			39	1	40	39	1
Wood working machines:							
Saws.....		4	109	1	114	114	
Planers.....	a 1		27		28	28	
Jointers.....		1	16		17	17	
Shapers.....			12		12	12	
Lathes.....			3		3	3	
Heading machines.....			4		4	4	
Other wood working machines.....		4	34		38	38	
Paper and printing machinery:							
Barkers.....			5	1	6	6	
Calendars and other paper making machines.....		2	32		34	33	1
Paper cutting, stitching and staying machines.....		9	27		36	25	11
Printing machines.....		3	15	5	23	22	1
Textile machinery:							
Picking machines.....			2		2	2	
Carding machines.....		1	4		5	5	
Spinning machines.....			13		13	5	8
Looms.....		2	13		15	8	7
Formers, knitting machines and other textile machinery.....		6	25		31	20	11
Sewing machines, etc.....		1	13		14	11	3
Laundry machines.....			4	1	5	4	1
Leather working machinery.....		2	11		13	12	1
Metal working machinery:							
Stamping machines.....		3	18		21	21	
Drilling and milling machines.....			54		60	58	2
Screw machines.....							
Lathes.....		2	25	1	28	28	
Drop and other power hammers.....			30		30	30	
Shears.....		2	21		23	23	
Rollers.....			35		35	35	
Other.....		6	82		88	85	3
Polishing machines:							
Contact with grindstones, emery wheels, etc.....		1	13		14	14	
Struck by fragments of polishing wheels			36		36	36	
Other.....		2	25		27	27	
Machines used in bakeries, confectionery establishments, etc.....		1	11		12	10	2
Machines not elsewhere specified.....		8	63		71	63	8
Total.....	10	99	1,293	14	1,416	1,308	108
HEAT AND ELECTRICITY.							
Explosives (powder, dynamite, etc.).....			32		32	32	
Explosion and ignition of gases.....			22		22	22	
Explosion of boilers and steam pipes.....		1	21		22	22	
Other injuries from steam and hot liquids.....			48		48	47	1
Cautics.....		1	25	1	27	27	
Explosion of molten metals.....			6		6	5	1
Other accidents from molten metals.....		1	50	1	52	52	
Vats, pans, etc. (containing hot liquids or caustics).....		1	11		12	12	
Electricity.....		1	61		62	62	
Fire and heat, n. e. s.....		6	71		77	65	12
Total.....	1	10	347	2	360	346	14

a One not an employee.

c Three not employees.

TABLE VII.—ACCIDENTS IN FACTORIES, QUARRIES AND TUNNEL CONSTRUCTION, JULY-SEPTEMBER, 1908—(Continued).

(a) Age and Sex of Persons Injured—(Continued).

CAUSE. [n. e. s.= not elsewhere specified.]	Under 16 years.	16-18 years.	18 years +	Age not stated.	Total.	Male.	Female.
FALL OF PERSON.							
Fall from ladder, scaffold, platform, etc.		1	53	1	55	55	
Fall from machinery, trucks, engines, etc.		1	39	1	41	41	
Fall caused by collapse of support.		1	59		60	60	
Fall through opening in floor, etc.			33		33	31	2
Fall in hoistway.	a 2		8		10	10	
Fall on stairs, steps, etc.		2	12	1	15	9	6
Fall on level by slipping.		1	17		18	16	2
Fall on level by tripping.			22		22	22	
All other.	1	3	37	1	42	41	1
Total.	3	9	280	4	296	285	11
INJURED BY WEIGHTS.							
Falling rock and earth (quarrying, excavating, etc.).			33		33	33	
Falling pile of material (lumber, coal, cement, etc.).		1	26		27	27	
Falling walls, doors and other objects.		3	148		151	150	1
Tools or weights dropped by person injured.		2	36		38	38	
Falling objects dropped by other persons.			11		11	11	
Heavy materials or parts on which injured persons were at work.		4	115		119	119	
Machinery being moved.		1	32	1	34	34	
Fall of material from trucks in transit.			22	1	23	23	
Handling of castings, flasks, etc.		2	116		118	118	
Handling of stone, ore, etc.			14		14	14	
Handling of lumber, paper and other materials.		1	74		75	75	
Loading or unloading.	1	4	61		66	66	
Cause insufficiently described for classification.			50	2	52	52	
Total.	1	18	738	4	761	760	1
FLYING OBJECTS.							
Struck in eye by piece of metal, glass, etc.		3	114	2	119	119	
Other injuries from flying objects.			39		39	39	
Total.		3	153	2	158	158	
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS.							
		2	50		52	51	1
MISCELLANEOUS.							
Hand tools (hammers, knives, wrenches, files, etc.).	1	3	109		113	112	1
Tools in hands of fellow workmen.		1	25	1	27	27	
Injured while fitting and assembling, n. e. s.			25		25	24	1
Caught on nail, wire, sharp projection, etc.		5	89		94	92	2
Cut on glass.	1	2	18		21	19	2
Injured by stepping on nail, sliver, etc.	1	3	67	1	72	71	1
Inhalation of poisonous gases.			7		7	7	
All other causes.		1	38		39	39	
Total.	3	15	378	2	398	391	7
Grand Total.	18	156	3,239	28	3,441	3,299	142

a One not an employee.

TABLE VII.—ACCIDENTS IN FACTORIES, QUARRIES AND
(b) Causes

CAUSE. [n. e. s.—not elsewhere specified.]	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
MECHANICAL POWER.						
Transmission of power:						
Motors (engines, dynamos, fly wheels, etc.)	28	5		1	11	1
Air fans, steam pumps, etc.	12	2		3		2
Gearing	48	22			1	
Set screws	3					
Shafting	14	2		3	1	
Belts and pulleys	60	8		9	6	5
Conveying and hoisting machinery:						
Elevators and lifts	57	6			19	
Cranes (steam, electric, portable, etc.)	16	4	1		2	
Hoisting and conveying apparatus, n. e. s.	180	27	1	11	53	5
Locomotives and trains	40	2			11	1
Wood working machines:						
Saws	114	18		29	5	1
Planers	28	5		6	2	
Jointers	17	1		3		
Shapers	12	3		5		
Lathes	3			3		
Heading machines	4	1				
Other wood work machines	38	8		16	1	1
Paper and printing machinery:						
Barkers	6			1		
Calendars and other paper making machines	34	7	1	3	9	
Paper cutting, stitching and staying machines	36	9		6	2	
Printing machines	23	8			3	
Textile machinery:						
Picking machines	2	1				
Carding machines	5	1			1	
Spinning machines	13	1	1	2	4	
Looms	15	4		5	1	
Formers, knitting machines and other textile machinery	31	11	1	4	3	
Sewing machines, etc.	14	4		5	1	
Laundry machines	5			1	2	
Leather working machinery	13	1	1	3		
Metal working machinery:						
Stamping machines	121	21		8	6	
Drilling and milling machines	60	15	1	13	6	1
Screw machines						
Lathes	28	2		9	6	
Drop and other power hammers	30	4		5	4	
Shears	23	4	1	8		
Rollers	35	10	5	2	5	1
Other	88	18	2	13	15	
Polishing machines:						
Contact with grindstones, emery wheels, etc.	14	5		1		
Struck by fragments of polishing wheels	36	1	1	1	2	
Other	27	3		6	2	
Machines used in bakeries, confectionery establishments, etc.	12	3	1			
Machines not elsewhere specified	71	14	1	10	10	
Total	1,416	261	18	195	194	18
HEAT AND ELECTRICITY.						
Explosives (powder, dynamite, etc.)	32	1	9	1	1	
Explosion and ignition of gases	22		16	2		
Explosion of boilers and steam pipes	22		11			
Other injuries from steam and hot liquids	8		45	1		
Caustics	27		23			
Explosion of molten metals	6		5			
Other accidents from molten metals	52		44			
Vats, pans, etc. (containing hot liquids or caustics)	12		9			
Electricity	62		49			
Fire and heat, n. e. s.	77		52			
Total	360	1	263	4	1	

TUNNEL CONSTRUCTION, JULY-SEPTEMBER, 1908—(Continued).
and Results.

DISABLEMENT.				Serious injuries probably perma- nent.	PERMANENT DISABLEMENT.							Death.
Frac- tures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				In- ternal.	All other.	Total.	
					Limbs.	Hands or feet.	Fin- gers.	Eyes.				
		1	19	4			4			1	5	
			7	3			2				2	
1		1	25	7		1	15				16	
	1		1				1			1	2	
1	4		11							1	2	b 2
2	12	1	43	5	1		3			4	8	4
3	7		35	7			2		1	1	4	b 11
1	3		11	2			2			1	3	
7	22	3	129	24			14		3	8	25	2
4	9		27	5		1	1			1	3	5
1	4		58	17	2	2	29		1	3	37	2
	1	1	15	4			7			2	9	
			4				13				13	
			8	1			3				3	
			3									
			1	1			2				2	
			26	8			4				4	
			1	2			3				3	
3	3		26	3			3			2	5	
	1		18	12			5			1	6	
	1	1	13	3			5			1	6	1
			1	1							1	
			2	2						1	1	
	2		10	2					1		1	
	1	1	12	1			1			1	2	
1	1		21	4			5			1	6	
			11	1			2				2	
	1		4		1						1	
			5	4		1	3				4	
			35	31			55				55	
	7	4	47	5			5			3	8	
	1	2	20	4			2			2	4	
3			18	7			3	1		1	5	
	3		16	3			4				4	
	5		28	2			1					
1	1	1	51	20	1		14	1		3	5	
										1	16	1
		1	7	3			1			3	4	
		24	29	5								2
2			13	10			3			1	4	
			4	4			4				4	
3	6		44	10	2		13			1	16	1
33	97	43	859	227	7	5	234	2	6	45	299	31
1	6	1	20	1				5			5	6
	1	2	21	1								
	2		13	3						2	2	4
	2		48									
		1	24	1				1		1	2	
			5	1								
	1	1	46	4				1		1	2	
	2		11									1
	2	5	56	2								4
	14	6	72	2						1	1	2
1	30	16	316	15				7		5	12	17

an employee.

TABLE VII.—ACCIDENTS IN FACTORIES, QUARRIES AND
(b) Causes and

CAUSE. (n. e. s.= not elsewhere specified.)	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
FALL OF PERSON.						
Fall from ladder, scaffold, platform, etc.	55	3		3	11	6
Fall from machinery, trucks, engines, etc.	41	3		3	10	8
Fall caused by collapse of support.	60	1		5	4	10
Fall through opening in floor, etc.	33	2	2		11	5
Fall in hoistway.	10					1
Fall on stairs, steps, etc.	15	1		2	2	4
Fall on level by slipping.	18	1	1	1	5	5
Fall on level by tripping.	22	3		4	1	10
All other.	42	4	1	10	12	6
Total.	296	18	4	28	56	55
INJURED BY WEIGHTS.						
Falling rock and earth (quarrying, excavating, etc.).	33	6		1	8	
Falling pile of material (lumber, coal, cement, etc.).	27	7		1	11	3
Falling walls, doors and other objects.	151	31	1	17	58	1
Tools or weights dropped by person injured.	38	4		2	28	
Falling objects dropped by other persons.	11	2			4	1
Heavy materials or parts on which injured persons were at work.	119	22		17	41	10
Machinery being moved.	34	8			6	4
Fall of material from trucks in transit.	23	4			13	2
Handling of castings, flasks, etc.	118	29		18	31	4
Handling of stone, ore, etc.	14	2		3	6	1
Handling of lumber, paper and other materials.	75	10		6	25	14
Loading or unloading.	66	19		10	18	2
Cause insufficiently described for classification.	52	14		2	15	3
Total.	761	158	1	77	264	45
FLYING OBJECTS.						
Struck in eye by piece of metal, glass, etc.	119	5	4	14	8	
Other injuries from flying objects.	39	7		17	6	
Total.	158	12	4	31	14	
VEHICLES AND ACCIDENTS CAUSED BY ANIMALS						
	52	9		1	17	3
MISCELLANEOUS.						
Hand tools (hammers, knives, wrenches, files, etc.).	113	15		56	21	1
Tools in hands of fellow workmen.	27	8		5	9	
Injured while fitting and assembling, n. e. s.	25	5		6	6	1
Caught on nail, wire, sharp projection, etc.	94	30		35	5	
Cut on glass.	21	1		17		
Injured by stepping on nail, sliver, etc.	72	60		2	1	
Inhalation of poisonous gases.	7					
All other causes.	39	7		4	8	8
Total.	398	126		125	50	10
Grand Total.	3,441	585	290	461	596	131

b One not

TUNNEL CONSTRUCTION, JULY-SEPTEMBER, 1908—(Continued).

Results—Continued.

DISABLEMENT.				Serious injuries prob- ably perman- ent.	PERMANENT DISABLEMENT.							Death.
Frac- tures.	Plural injuries.	Other.	Total.		LOSS OF ONE OR BOTH—				In- ternal.	All other.	Total.	
					Limbs.	Hands or feet.	Fin- gers.	Eyes.				
4	20	2	49	3					1	2	3	.....
2	8	2	36	2						1	1	.....
6	27	1	54	4						1	1	.....
1	8	1	30	2						1	1	.....
1	3	b 2	7	1								b 2
1	3	1	14	1								.....
.....	3	.....	16	1						1	1	.....
1	3	.....	22	.....						1	1	.....
1	5	1	40	1						1	1	.....
17	80	10	268	15					1	6	7	6
5	7	1	28	1	1						1	3
2	2	1	27	.....								.....
6	17	5	136	8						6	6	1
.....	1	.....	35	2			1				1	.....
.....	.....	2	9	2								.....
4	5	1	100	10			2		2	5	9	.....
2	4	2	26	1			2		4	1	7	.....
1	1	.....	21	.....						2	2	.....
8	8	2	100	10			3		1	4	8	.....
1	1	.....	14	.....								.....
5	4	4	68	4			1		2		3	.....
2	3	2	56	6			2		2		4	.....
1	4	3	42	3			2		3	2	7	.....
37	57	23	662	47	1	.....	13	.....	14	20	48	4
.....	1	68	100	11	.....			7	.....	1	8	.....
.....	3	1	34	4	.....			1	.....	1	1	.....
.....	4	69	134	15	.....			7	.....	2	9	.....
3	14	.....	47	4	.....				.....			1
.....	4	5	102	9	.....		1	.....		1	2	.....
.....	2	.....	24	2	.....			.....		1	1	.....
.....	2	.....	20	4	.....		1	.....		.....	1	.....
2	3	10	85	5	.....		2	.....		2	4	.....
.....	.....	1	19	.....	.....		1	.....		1	2	.....
.....	2	7	72	.....	.....			.....		.....		.....
.....	1	5	6	1	.....			.....		.....		.....
1	1	4	33	4	.....			.....		1	1	1
3	15	32	361	25	.....		5	.....	.....	6	11	1
94	297	193	2,647	348	8	5	252	16	21	84	386	60

an employee.

TABLE VII.—ACCIDENTS IN FACTORIES, QUARRIES AND
(c) Number and

INDUSTRY	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
I. STONE, CLAY AND GLASS PRODUCTS.						
1. Stone.....	51	9		3	11	2
2. Miscellaneous mineral products.....	12	1		3	2	
3. Lime, cement and plaster.....	50	4	5	5	8	1
4. Brick, tile and pottery.....	7	1		1	1	1
5. Glass.....	2					
Total.....	122	15	5	12	22	4
II. METALS, MACHINERY AND CONVEYANCES.						
1. Gold, silver and precious stones.....	9	1		4	1	
2. Copper, lead, zinc, etc.....	160	25	9	36	20	3
3. Iron and steel products.....	744	124	101	87	123	25
4. Electrical apparatus.....	102	30	9	5	17	3
5. Vehicles.....	960	131	65	144	261	54
6. Boat and shipbuilding.....	25	4		3	4	1
7. Agricultural implements.....	84	15	10	6	18	1
8. Instruments and appliances.....	44	9	2	5	3	
Total.....	2,128	339	196	290	447	87
III. WOOD MANUFACTURES.						
1. Saw mill products.....	26	5	1	4	2	
2. Planing mill products.....	65	9	1	17		1
3. Cooperage.....	5	3				
4. Wood, turned and carved.....	21	9		3	1	
5. Furniture and cabinet work.....	61	14		13	2	5
6. Pianos, organs, etc.....	17	2		6	2	
7. Brooms, cork, etc.....	7			2	1	
Total.....	202	42	2	45	8	6
IV. LEATHER AND RUBBER GOODS.						
1. Leather.....	11	2		2		
2. Furs and fur goods.....	2				1	
3. Leather goods.....	21	3		6	3	
4. Rubber and gutta percha goods.....	9	3	1	1		
5. Articles of pearl, horn, bone, hair, etc.....	5	1		2	1	
Total.....	48	9	1	11	5	
V. CHEMICALS, OILS, PAINTS, ETC.						
1. Drugs and chemicals.....	65	2	20	7	11	3
2. Paints, dyes and colors.....	18	3	3	3	4	1
3. Wood alcohol and essential oils.....	1					
4. Animal oil products.....	4	1			1	
5. Mineral oil products.....	11	1	2		2	1
6. Soap, perfumery and cosmetics.....	11	3	4		3	
7. Miscellaneous chemical products.....	19	2	7		1	1
Total.....	129	12	36	10	22	6
VI. PAPER AND PULP.						
2. Pulp and paper.....	143	31	6	14	31	7
VII. PRINTING AND PAPER GOODS.						
2. Paper goods.....	54	17	2	6	4	
3. Printing and book making.....	59	12	2	5	7	1
5. Photography.....	1					
Total.....	114	29	4	11	11	1
VIII. TEXTILES.						
1. Silk and silk goods.....	7	2			2	
2. Wool manufactures.....	71	14	3	11	6	2
3. Cotton goods.....	48	7	1	9	4	3
4. Hosiery and knit goods.....	46	16	4	8	2	1
5. Other textiles of silk or cotton.....	13	2		2	2	
6. Flax, hemp and jute manufactures.....	15	4	1	2	1	1
7. Oilcloth.....	2					
Total.....	202	45	9	32	17	7

TUNNEL CONSTRUCTION, JULY-SEPTEMBER, 1908—(Continued).

Results, by Industries.

DISABLEMENT.				Serious injuries probably perman- ent.	PERMANENT DISABLEMENT.							Death.
Frac- tures.	Plural injuries.	Others.	Total.		LOSS OF ONE OR BOTH—				In- ternal.	All others.	Total.	
					Limbs.	Hands or feet.	Fin- gers.	Eyes.				
4	10	1	40	3	1		3	1	3	8		
2	5	1	31	10		1	2	1	3	7	2	
			4				2			2	1	
							1		1	2		
6	16	3	83	14	1	1	8	4	1	7	22	3
1			7	1			1				1	
2	4	6	105	18	1		35	1			37	
19	55	45	579	81			39	5	6	19	69	15
2	9	5	80	9	1		7		2	3	13	
26	51	87	819	82			33	1	4	15	53	6
2	2	2	18	4			2		1		3	
5	5	4	64	5			8	1	1	3	13	2
	1	2	22	10			11		1		12	
57	127	151	1,694	210	2		136	8	15	40	201	23
2	1		15	3	1	1	1			3	6	2
4	2	3	37	9		1	14			1	16	3
	1		4	1								
	1	1	15	3			3				3	
		3	37	9			12	1		2	15	
	2		12	1			4				4	
1	1		5	1					1		1	
7	8	7	125	27	1	2	34	1	1	6	45	5
	1		5			1	3				4	2
	2		14	4			1				1	
	1	1	7				2			1	3	
	1		5				1				1	1
	5	1	32	4		1	7			1	9	3
2	8	4	57				4	1		2	7	1
		1	15	1			2				2	
			2		1					1	2	1
	1		7				3				3	1
	1		10				1				1	
	1	1	14	3						1	1	1
3	10	6	105	4	1		10	1		4	16	4
7	17	1	114	13			10		2	4	16	
	2	1	32	16			3			1	4	2
1	7	3	38	5			11			1	12	4
										1	1	
1	9	4	70	21			14			3	17	6
		1	5	1			1				1	
2	13	1	52	4			8		1	5	14	1
1	9	2	36	9			1			2	4	
	1	3	35	6		1	3				3	1
		1	7	3			2			1	3	
	2		11	2			2				2	
	1		1				1				1	
3	26	8	147	25		1	18		1	8	28	2

a employee.

TABLE VII.—ACCIDENTS IN FACTORIES, QUARRIES AND
(c) Number and Results.

INDUSTRY.	Grand total.	TEMPORARY				
		Lacerations.	Burns.	Cuts.	Bruises.	Sprains.
IX. CLOTHING, MILLINERY, LAUNDRY, ETC.						
1. Men's clothing.....	19	7		1		1
2. Women's clothing.....	1					
3. Men's hats and caps.....	2					
6. Laundries.....	5				3	
Total.....	27	7		1	3	1
X. FOODS, LIQUORS AND TOBACCO.						
1. Cereals, fruits and groceries.....	56	7	8	5	6	2
2. Provisions.....	5	2		1		
3. Dairy products.....	13			4	2	
4. Bakery products.....	15	3		1	1	
5. Beverages.....	21	3	2	6	2	
6. Tobacco products.....	7	2		4		
Total.....	117	17	10	21	11	2
XI. WATER, LIGHT AND POWER.						
1. Water.....	3		2			
2. Gas.....	8		2		1	
4. Electric light and power.....	66	10	17	7	4	3
6. Garbage disposal.....	1				1	
Total.....	78	10	21	7	6	3
XII. BUILDING INDUSTRY.						
D. Tunnel construction.....	130	29		7	13	7
XIII. MISCELLANEOUS.						
1. Elevators in tenant factories.....	1					
GRAND TOTAL.....	3,441	585	290	461	596	131

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TUNNEL CONSTRUCTION, JULY-SEPTEMBER, 1908—(Continued).
by Industries—Continued.

DISABLEMENT.				Serious injuries prob- ably perman- ent.	PERMANENT DISABLEMENT.							Death.
Frac- tures.	Plural injuries.	Others.	Total.		LOSS OF ONE OR BOTH—				In- ternal.	All others.	Total.	
					Limbs.	Hands or feet.	Fln- gers.	Eyes.				
1	2	2	14	2			2			1	3	
	1		1									
	1		1	1								
	1		4		1						1	
1	5	2	20	3	1		2			1	4	
2	11	1	42	5	1		5			1	7	2
	1		4	1								
1			7	2			3				3	1
	2	2	9	4			1				1	1
	1		14	2			1	1		1	3	2
			6					1			1	
3	15	3	82	14	1		10	2		2	15	6
			2							1	1	
	4	1	8									
3	9	3	56	4					1	1	2	4
			1									
3	13	4	67	4					1	2	3	4
3	45	3	107	9	1		3			6	10	4
	a1		1									
94	297	193	2,647	348	8	5	252	16	21	84	386	60

employee.

BUREAU OF FACTORY INSPECTION.

Table VIII.—Work of the Deputy Factory Inspectors.

	THIRD QUARTER, 1908.				Third quarter, 1907.
	July.	Aug.	Sept.	Total.	
Regular inspections:					
Factories in separate buildings.....	1,186	786	712	2,684	2,823
Tenant factories.....	1,943	1,141	1,558	4,642	4,002
Laundries.....	199	121	91	411	381
Bakeries.....	399	293	320	1,012	769
Mines and quarries.....	31	12	17	60	89
Tunnel workings.....	1	1	.....	2	.....
Tenant factory buildings.....	18	6	9	33	26
Tenement buildings (licensed).....	250	110	307	667	1,438
Total.....	4,027	2,470	3,014	9,511	9,528
Special inspections (factories, laundries, bakeries).....	181	94	119	394	380
Investigations:					
Applications for license.....	208	126	173	507	869
Complaints.....	46	59	42	147	236
Compliances (No. of establishments).....	1,841	1,830	1,676	5,347	4,425
On special orders.....	342	209	182	733	381
Total.....	2,437	2,224	2,073	6,734	9,911
Observations:					
Tenement buildings (unlicensed).....	311	144	178	633	1,248
Tunnel workings.....	15	16	18	49	.....
Tagging, to stop work:					
Goods in tenements (\$100).....	2	1	2	5	39
Goods in tenant factories (\$95).....	70	30	28	128	51
Articles in bakeries (\$114).....	.....	.....	.....	.....	2
Unsafe machinery (\$81).....	4	.....	.....	4	.....
Scaffolding (\$19).....	.....	3	.....	3	.....
Total.....	76	34	30	140	92
Prosecutions begun†.....	81	95	87	256	*
Days or parts of days on court work.....	158	137	153	448	180
Hours spent in patrol work.....	245	226	188	659	*

Table IX.—Number of Children's Employment Certificates Issued by Boards of Health in First and Second Class Cities.

CITY.	THIRD QUARTER, 1908.				Third quarter, 1907.
	July.	Aug.	Sept.	Total.	
New York City:					
Bronx Borough.....	224	96	303	623	545
Brooklyn Borough.....	581	253	916	1,750	194
Manhattan Borough.....	1,172	434	1,772	3,378	3,425
Queens Borough.....	70	41	85	196	232
Richmond Borough.....	17	5	25	47	34
Total—New York City.....	2,064	829	3,101	5,994	4,430
Buffalo.....	109	52	108	269	353
Rochester.....	73	41	46	160	358
Syracuse.....	56	46	67	169	284
Albany.....	8	6	12	26	77
Troy.....	19	11	26	56	137
Utica.....	32	24	59	115	169
Yonkers.....	22	8	10	40	54
Schenectady.....	11	7	26	44	76

* Not reported.

† See Table X.

‡ In 1907 each visit to an establishment with reference to the same orders was counted as one investigation; in 1908 only the first visit, subsequent visits being reckoned as simply a part of the one investigation.

§ Includes "mercantile" as well as "manufacturing" certificates.

BUREAU OF FACTORY INSPECTION.

Table X.—Prosecutions for Violations of the Factory Law, July–September, 1908.

OFFENSE.	CASES.		CONVICTIONS.					Pend-		Am't of fines.
	Total in court.	There- of be- gun dur- ing quar- ter.	Total no.	There- of with fine im- posed.	Dis- mis- sals or ac- quit-	With- drawn.	Total com- pleted.	ing Sept. 30.		
II. SANITATION AND SAFETY.										
Failure to provide lights in halls, stairways or water-closets.....	3	2	.....	.....	1	.....	1	2	.....
Failure to provide water-closets.....	3	2	.....	.....	2	.....	2	1	.....
Failure to keep water-closets clean.....	6	4	.....	.....	1	.....	1	5	.....
Failure to provide dressing-room.....	1	.....	.....	.....	1	.....	1	.....	.....
Failure to ventilate workroom.....	13	.....	.....	.....	.....	.....	.....	13	.....
Failure to provide exhaust fans.....	2	1	.....	.....	.....	.....	.....	2	.....
Failure to guard dangerous machinery.....	1	1	1	1	.....	.....	1	.....	\$25	
Removal of notice from unsafe scaffold.....	2	2	.....	.....	.....	*2	2	.....	.....
Failure to provide hand-rail on stairs.....	2	1	.....	.....	.....	1	1	1	.....
Failure to keep factory door unlocked during work-day.....	6	2	.....	.....	.....	.....	.....	6	.....
Failure to provide washroom or dryroom in foundry..	2	2	.....	.....	2	.....	2	.....	.....
III. CHILDREN.										
Employing children under 14.....	70	67	16	7	14	2	32	38	140	
Employing children under 16 without Board of Health certificates.....	144	118	36	12	16	.....	52	92	240	
Employing children under 16 more than 8 hours per day.....	25	14	6	3	7	.....	13	12	6)	
Employing children under 16 after 5 P. M. or before 8 A. M.....	13	8	3	2	1	1	5	8	4)	
Failure to keep register of children employed.....	1	.....	.....	.....	1	.....	1	.....	.....
IV. WOMEN AND MINORS.										
Employing women after 9 P. M.....	6	5	3	3	2	1	6	.....	80	
Employing women after 6 P. M. without posting notice showing hours of labor.....	3	3	.....	.....	.....	3	3	.....	.....
Employing women more than 10 hours per day.....	19	18	3	1	10	3	16	3	20	
Employing minors more than 10 hours per day.....	3	3	1	1	2	.....	3	.....	20	
Employing minors more than 60 hours in one week..	3	3	.....	.....	2	1	3	.....	.....
VII. BAKERIES.										
Permitting use of cellar as bakery without complying with Labor Law.....	2	.....	1	1	1	.....	2	.....	20	
	330	256	70	31	63	14	147	183	\$345	

* Defendant (a workman) fled from justice before trial.

BUREAU OF FACTORY INSPECTION.
Table XI.—Licenses for Tenement Manufacturers.

APPLICATIONS.	THIRD QUARTER, 1908.			Total Oct. 1, 1904, to Sept. 30, 1908.
	New York City.	Remain- der of State.	Total.	
Applications pending June 30, 1908.....	22	.....	22	.....
Applications received.....	289	3	292	12,287
Total.....	311	3	314	12,287
ACTION TAKEN.				
(1) Applications for dwelling with- out clear record from local health or tenement house au- thorities and therefore.....	refused	.....	.....	1,775
(2) Applications for dwellings with clear record from health and tenement-house authorities, investigated by factory in- spector and.....	granted	200	.....	200
	refused	90	2	92
	suspended*	.....	.....	305
(3) Applications for shop build- ings investigated by factory inspector and.....	granted	5	1	6
	refused	3	.....	3
	suspended*	.....	.....	4
Applications previously refused in class 1 with subsequent report of compliance with orders of health or tenement-house authorities, investigated by factory inspec- tor and.....	granted	3	.....	3
	refused	2	.....	2
	suspended*	.....	.....	319
Applications previously refused or suspended in classes 2 or 3, sub- sequently re-investigated† and..	granted	150	.....	150
	refused....	47	.....	47
	suspended*	.....	.....	480
Applications cancelled by applicant.....	28	.....	28	454
Applications duplicated.....	.....	.....	.....	27
Applications pending Sept. 30, 1908.....	10	.....	10	10
NET RESULTS.				
Net increase or decrease in—				
Granted applications.....	358	1	359	10,595
Refused applications.....	30	2	32	452
Suspended applications*.....	1115	.....	1115	749
Duplicated or cancelled applications.....	28	.....	28	481
OUTSTANDING LICENSES.				
Number June 30, 1908.....	9,290	515	9,805	.....
Cancelled at request of licensee.....	4	.....	4	424
Revoked for unlawful conditions.....	.....	.....	.....	11
Net increase.....	354	1	355	.....
Outstanding Sept. 30, 1908.....	9,644	516	10,160	10,160

* These are cases in which investigation showed no work being done on the premises and in which no further call for the license was received after investigation..

† Suspended applications are sometimes granted without reinvestigation.

‡ Decrease.

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STATE OF NEW YORK

DEPARTMENT OF LABOR

BULLETIN



Issued Under the Direction of
JOHN WILLIAMS, Commissioner of Labor

EDITOR:

LEONARD W. HATCH, Chief Statistician

ASSOCIATE EDITORS:

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JOSEPH H. MIDDLETON

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PUBLICATIONS OF THE New York State Department of Labor

The current report will be forwarded, on application, to any citizen of New York. Previous reports are free, but payment of carriage devolves upon applicants. Of the 1908 Report, only Part I, Eighth Report of the Commissioner of Labor (transmitted to the Legislature Jan. 18, 1909) is ready for distribution.

SEVENTH ANNUAL REPORT, 1907

- Part I. Seventh Annual Report of the Commissioner of Labor (272 pages, paper covers. Contains, in appendices, preliminary reports of the Bureau of Factory Inspection and Bureau of Mediation and Arbitration, index of bills and statutes relating to labor acted upon by the Legislature of 1907, and a compilation of all the labor laws in force in 1907).
- Part II. Twenty-second Annual Report on Factory Inspection (282 pages, paper).
- Part III. Twenty-first Annual Report of the Bureau of Mediation and Arbitration (*in press*).
- Part IV. Twenty-fifth Annual Report of the Bureau of Labor Statistics (*in press*).

PREVIOUS ANNUAL REPORTS

- 1901.—FIRST ANNUAL REPORT. (3 vols., 1,819 pages.)
- Vol. I. General Report and Report on Factory Inspection. (615 pages.)
 - Vol. II. Nineteenth Report of the Bureau of Labor Statistics. (780 pp.)
 - Vol. III. Fifteenth Annual Report on Mediation and Arbitration. (424 pp.)
- 1902.—SECOND ANNUAL REPORT. (3 vols., 2,740 pages.)
- Vol. I. {
 - Report of the Commissioner of Labor. (50 pages.)
 - Report of the Free Employment Bureau. (16 pages.)
 - Report of the Bureau of Factory Inspection. (602 pages.)
 - Report of the Bureau of Mediation and Arbitration. (219 pp.)
 - Vol. II. The Growth of Industry in New York. (678 pages.)
 - Vol. III. Report of the Bureau of Labor Statistics. (1,172 pages.)
- 1903.—THIRD ANNUAL REPORT. (3 vols., 2,958 pages.)
- Vol. I. {
 - General Report. (329 pages, including Special Report on Employers' Welfare Institutions.) Also separately bound in paper.
 - Seventeenth Report on Mediation and Arbitration. (363 pages.)
 - Vol. II. Twenty-first Report of the Bureau of Labor Statistics. (1,125 pp.)
 - Vol. III. Eighteenth Annual Report on Factory Inspection. (1,141 pages.)
- 1904.—FOURTH ANNUAL REPORT. (2 vols., 1,710 pages.)
- Vol. I. {
 - Report of the Commissioner of Labor, etc. (287 pages.)
 - Report of the Bureau of Mediation and Arbitration. (205 pages.)
 - Report of the Bureau of Factory Inspection. (295 pages.)
 - Vol. II. Twenty-second Annual Report of the Bureau of Labor Statistics. (923 pages, cloth bound.)
- 1905.—FIFTH ANNUAL REPORT. (2 vols., 1,940 pages.)
- Vol. I. {
 - Report of the Commissioner of Labor, etc. (216 pages.)
 - Report of the Bureau of Factory Inspection. (301 pages.)
 - Report of the Bureau of Mediation and Arbitration. (423 pages.)
 - Vol. II. Twenty-third Annual Report of the Bureau of Labor Statistics. (1,000 pages.)
- Vol. I is out of print; the reports of the Commissioner and of the Bureau of Mediation and Arbitration may be had in paper covers.*
- 1906.—SIXTH ANNUAL REPORT. (2 vols., 2,088 pages.)
- Vol. I. {
 - Report of the Commissioner of Labor, etc. (280 pages.)
 - Report of the Bureau of Factory Inspection. (275 pages.)
 - Report of the Bureau of Mediation and Arbitration. (487 pages.)
 - Vol. II. Twenty-fourth Annual Report of the Bureau of Labor Statistics. (ccli+894 pages.)

PUBLICATIONS OF THE DEPARTMENT OF LABOR—Continued

QUARTERLY BULLETINS

[Index and title-page for each volume sent on application.]

1899. Vol. I. Nos. 1-3. (242 pages.)	Nos. 1 and 3 are <i>out of print</i> .
1900. Vol. II. Nos. 4-7. (356 pages.)	Nos. 4 and 7 are <i>out of print</i> .
1901. Vol. III. Nos. 8-11. (346 pages.)	<i>Out of print</i> .
1902. Vol. IV. Nos. 12-15. (364 pages.)	
1903. Vol. V. Nos. 16-19. (480 pages.)	No. 17 is <i>out of print</i> .
1904. Vol. VI. Nos. 20-23. (449 pages.)	Nos. 20 and 23 are <i>out of print</i> .
1905. Vol. VII. Nos. 24-27. (480 pages.)	No. 25 is <i>out of print</i> .
1906. Vol. VIII. Nos. 28-31. (556 pages.)	Nos. 28, 29, 30 are <i>out of print</i> .
1907. Vol. IX. Nos. 32-35. (509 pages.)	
1908. Vol. X. Nos. 36-39. (492 pages.)	

MISCELLANEOUS

MONOGRAPHS ON SOCIAL ECONOMICS

Prepared for the Louisiana Purchase Exposition, St. Louis, 1904.

- I. Typical Employers' Welfare Institutions. By G. A. Stevens and L. W. Hatch. (30 pages, 4 illustrations.)
- II. Labor Legislation in New York. By A. F. Weber. (30 pages.)
- III. The Work of the Department of Labor. By A. F. Weber and L. W. Hatch. (42 pages, with tables and charts.)
- IV. The Growth of Industry in New York. By A. F. Weber. (60 pages and charts.) *Out of print, but see Vol. II of Second Annual Report, 1902.*

In addition to its own publications, the Department can supply reports of certain official and semi-official bodies, including the three Departmental Bureaus which formerly existed as separate branches of the State administration. Such reports, so far as they are not exhausted, are listed below.

Proceedings of the annual conventions of the Association of Officials of Bureaus of Labor Statistics of America: Fourteenth (1898), Nineteenth (1903) to Twenty-fourth (1908).

Proceedings of the annual conventions of the International Association of Factory Inspectors of America: Second (1888), Seventh (1893) and Fourteenth (1900) to Twenty-second (1908).

STATE FACTORY INSPECTOR

Of the fifteen annual reports made by the Factory Inspector (1886-1900), three can be furnished: First (1886), Seventh (1892) and Thirteenth (1898).

BOARD OF MEDIATION AND ARBITRATION

Of fourteen annual reports (1887-1900), only that for 1900 can now be supplied.

BUREAU OF LABOR STATISTICS

Of the eighteen annual reports made from 1883 to 1900, the following are still available:

- 1890.—EIGHTH ANNUAL REPORT. (2 vols., 1,187 pages.)
- 1891.—NINTH ANNUAL REPORT. (2 vols., 1,190 pages.)
- 1892.—TENTH ANNUAL REPORT. (2 vols., 1,087 pages.)
- 1895.—THIRTEENTH ANNUAL REPORT. (2 vols., 1,256 pages.)
- 1900.—EIGHTEENTH ANNUAL REPORT. (xiv, 1,072 pages.)



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